

**KODIAK/ALEUTIANS SUBSISTENCE REGIONAL ADVISORY COUNCIL
PUBLIC MEETING**

February 26, 1996
Borough Assembly Hall
Kodiak, Alaska

VOLUME I

COUNCIL MEMBERS PRESENT:

Mark Olsen, Chairman
Vincent M. Tutiakoff
Randy Christensen
Ivan Lukin
Thomas L. Everitt
Alfred B. Cratty, Jr.

P R O C E E D I N G S

CHAIRMAN OLSEN: Good morning. This morning here I would like to welcome you to our third annual Kodiak/Aleutians Islands Federal Subsistence Regional Advisory Council.

Vince, can you take a roll call, please?

MR. TUTIAKOFF: Roll call is Al Cratty?

MR. CRATTY: Here.

MR. TUTIAKOFF: Ivan Lukin?

MR. LUKIN: Here.

MR. TUTIAKOFF: Gilda Shellikoff.

CHAIRMAN OLSEN: She's on her way.

MR. TUTIAKOFF: Tom Everitt.

MR. EVERITT: Here.

MR. TUTIAKOFF: Randy Christensen?

MR. CHRISTENSEN: Here.

MR. TUTIAKOFF: Vincent Tutiakoff. Here. Mark Olsen.

CHAIRMAN OLSEN: Here.

MR. TUTIAKOFF: One absent.

CHAIRMAN OLSEN: And a quorum is present. Thank you. First of all, this morning I'd like to take time here to number one, thank all our people here for allowing us to use their facilities to hold a public meeting as what comes before us this morning. But, I would also like to acknowledge those here with us. Rachel.

MS. MASON: Hello.

CHAIRMAN OLSEN: Rachel Mason. Social scientist, anthropologist. Robert Willis. He's a Wildlife biologist. Bill Knauer, the Staff regulation. George Constentino (ph), he arrived this morning. Way back there. Thank you. We have John Morrison, the State/Federal coordinator. Greg Siekaniec, he is from the Izembek National Refuge. And Craig Mishler, the ADF&G on subsistence. We also have our regional coordinator, Moses Dirks. And our recorder here, her name is Salena. So thank you and welcome. Oh, yes, excuse me, we cannot forget Jay Bellinger from the wildlife refuge. Thank you. Robert Stovall. I'm sorry, I'm forgetting our local guys here. Thank you.

At this time I would also like to take a moment of silence here remembering our elders of the past here that have brought us to where we are today in our teachings, in particular. Some that have passed on here most recently, Anna Kinte (ph) leader, Dora Aga and my father, Pete Olsen.

(Moment of silence)

CHAIRMAN OLSEN: Okay. Thank you. Certainly there's other here that don't come to my mind immediately, but we certainly are here trying to carry on a tradition of lifestyle and the subsistence lifestyle.

Number one, I'd also like to -- those that would like to give public testimony must fill out a small card identifying and to have them come to the mike when requested, but in order to give public testimony you must fill out one of the little blue cards here.

At this time we'd kind of like to review the agenda.

MR. TUTIAKOFF: I'd like to move the Katie John review on the case, Subsistence for Katie John to the report section of our agenda, Mr. Chairman. It's presently under new business.

CHAIRMAN OLSEN: Yes. Any objections here to this?

(No response)

CHAIRMAN OLSEN: Is there any other changes, additions or deletions?

MR. TUTIAKOFF: I have a question on this, we have a letter here in front of us from Tom Hoblitt (ph) in False Pass. I was wondering where in the agenda that would come under for review or comments? It's a request to be an addition to.

CHAIRMAN OLSEN: I'm not familiar with that one right off the bat here.

MR. TUTIAKOFF: Slide this over to the Chairman. Maybe he didn't get a copy. If it's not in the agenda as you see it, Mr. Chairman, I'd add it under number 4 under new business.

MR. DIRK: Mr. Chairman?

CHAIRMAN OLSEN: Yes.

MR. DIRKS: That letter from Tom Hobblitt goes with the

public comments after the proposals. That's in reference to that Southern Alaska Peninsula caribou herd.

MR. TUTIAKOFF: That would be under #6, is that what you're saying?

MR. DIRKS: Yes. It will be where the public comments are for -- after the proposal booklet.

MR. TUTIAKOFF: Well, I guess my question is how would this be introduced then. Would one of us have to read it into the record?

MR. DIRKS: When we do the presentations of the proposals, I will do the public comment portion I'll go ahead and take it

MR. TUTIAKOFF: Thank you, Moses.

MR. DIRKS: at that time.

CHAIRMAN OLSEN: Is there any other changes, additions or deletions as we see it? If not I would accept a motion to adopt the agenda.

MR. TUTIAKOFF: I so move, Mr. Chairman.

MR. CRATTY: Second.

CHAIRMAN OLSEN: Moved and seconded.

MR. TUTIAKOFF: Second.

CHAIRMAN OLSEN: Call for the questions?

MR. TUTIAKOFF: Question.

CHAIRMAN OLSEN: The questions are being called. We will adopt the agenda as is.

We also have here review and adoption of the minutes of

October 5th and 6th.

MR. EVERITT: I move to accept the minutes of the October 5th and 6th meeting.

CHAIRMAN OLSEN: Moved. Do I hear a second?

MR. CRATTY: Second.

CHAIRMAN OLSEN: Moved and seconded. Any questions?

MR. TUTIAKOFF: Question called.

CHAIRMAN OLSEN: The question is being called and so moved, the review and adoption of the minutes of October 5th and 6th. All those in favor say aye.

IN UNISON: Aye.

CHAIRMAN OLSEN: So moved. This brings us down to #6 here on the public comments. This is an open forum to the public on comments as to the proposals that are before us. So at this time I would like to call on those that would like to give public comment. I thought I had three here. Leroy Blondin, please.

MR. L. BLONDIN: Where do you want me at?

CHAIRMAN OLSEN: Right here at the microphone, please, sir.

MR. L. BLONDIN: Yeah. What I'm here for is we had -- just got over with a five month hunting season. And the people, a lot of these people here, right here, think that's plenty long enough hunting season to turn around hunting for does that are five months pregnant. This is ridiculous. And I don't understand why when we go by the Fish & Game's Board they thought five months is plenty. And everybody I've talked to that can't get a deer in five months shouldn't be hunting. And I would like to know what this Board thinks about this, putting (ph) this up in February or March or June or whatever, but this

is ridiculous. I don't know of any state in the Union that has a five month hunting season not alone open it during this time when the deer are the worst shape they are, right now.

I heard some Fish & Game here said that the deer are in beautiful shape. They can't be. They're just laying around just trying to survive the winter right now. And we don't need this kind of stress. Is there any way we can stop this or reverse it?

CHAIRMAN OLSEN: At this time, Mr. Blondin, I would like to mention to you that we are the Advisory Council to the Board. The Board is one that has final decision.

MR. L. BLONDIN: Well, hasn't it already been passed though, hasn't it?

CHAIRMAN OLSEN: Yes. Yes, it has been.

MR. L. BLONDIN: No, I'm asking about is there any way we can reverse this?

CHAIRMAN OLSEN: That would have to be addressed here by the Council as to what their findings are. And certainly if it was in the best interest of the Council we can address it.

MR. L. BLONDIN: Yeah. I don't understand what the Federal government thought that we had to have another season after five months. There's not any explanation for this. I don't understand it. I've been here for 42 years and one person gets up and says I need a longer season. Now, that's getting bad. I think he ought to go into town and buy (ph) something, you know, and leave the animals alone. But I'd like to know how we can get rid of this or why don't you guys just listen to the Fish & Game here, the State of Alaska. Having two governments on this Island is ridiculous. Here we've got two boards on the same thing. You guys doing this half and they're doing this half.

And just close it. I mean here they are five months pregnant and you're out there shooting deer and stressing them

out. Do you have any comment on that?

CHAIRMAN OLSEN: My only comment is that, yes, this has been thoroughly looked at and analyzed and at this point I think there is 29 other hunting operations going on at this time as we talk. I feel that the State in the past 20 years that I know I've been here has had the opportunity to extend a season on an emergency open and closure. As far as your comment there what can be done about it, Mr. Blondin, I feel that these proposals are originated by anybody who wishes to draft a proposal.

MR. L. BLONDIN: Well, it seemed like this started over one person didn't get a deer. You know, this border on not -- you know, what we should have a longer season. It borders on stupidity just guy couldn't get a deer in five months. I'm kind of crippled up and I can go out and get a deer. Now, what's his problem?

CHAIRMAN OLSEN: I feel that at this point it was a proposal and yes, we have done this in the past

MR. L. BLONDIN: Well, I know that. I understand you open up on January 5th, the 10th and the 15th, just extend the season. But not shut it down for two months and re-open it up again. This is what I'm talking about, in this late a date.

CHAIRMAN OLSEN: These here proposals do take time to go through as it does take time

MR. L. BLONDIN: Well, if it takes time then why did you even open it up again then? You're going to wait to June?

CHAIRMAN OLSEN: We did not set the dates or have anything to do with that. That was done by the Board.

MR. L. BLONDIN: Well, the date here to me is very important because dates -- that's when they're going to have their young.

CHAIRMAN OLSEN: This is what we're trying to work out here. This is one of the things

MR. L. BLONDIN: Well, it's been here for hundreds of years. The animals can't change theirs. It has to be this Board. Then animals every year have their babies about the same time, so this is already set. That's what we've got to understand. The Board has got to change their mind, not the animals.

CHAIRMAN OLSEN: Yes. And we are just the Advisory Council to the Board.

MR. L. BLONDIN: Well, how can we do this to change it?

CHAIRMAN OLSEN: I believe the process is to fill out a proposal.

MR. L. BLONDIN: Is the one guy that started this, we can fashion (ph) some proposals here now and do it?

CHAIRMAN OLSEN: If that so be a wish, that's the only process that I know (ph)

MR. L. BLONDIN: If one person started it, maybe we can get 10 - 15 people to change it, huh? Immediately. I'd like to see them go to the court over it personally. This is real shaky.

CHAIRMAN OLSEN: Certainly there is a lot more than meets the eye (indiscernible - interrupted)

MR. L. BLONDIN: You're telling me there is.

CHAIRMAN OLSEN: here. Absolutely. And

MR. L. BLONDIN: Well, I'll tell you this Board's on something else. I mean, geez, I see where they flew over the cuckoo's nest, but this is ridiculous. The deer have their babies every year at the same time, so they can't change their schedule, but we can change ours here, that's what I'm trying to tell you.

I'm going to let somebody else get up and tell their speech, but I tell you for 42 years -- you know, I'm embarrassed on this. I don't know of any state in the union, somebody name me one, has a five month hunting season. Name one. It turns out one guy don't get a deer and he needs it longer. So, I'll let somebody else up on the floor, so I appreciate it. Thank you.

CHAIRMAN OLSEN: Thank you, Leroy. Dick Rohrer.

MR. ROHRER: My name is Dick Rohrer. I've lived in Kodiak since 1969. I am a subsistence user by choice. I've raised four kids here and we've eaten primarily game meat on our table, so I feel qualified -- as much qualified as anyone else here as a subsistence user. And certainly I'm qualified by the definition of the law.

I have not talked to anyone in the public that supports the extension of the deer season. And I think you're going to hear a lot more testimony to that effect. And so, I am going to address what I think -- what I would like to see this Council do and what I think the solution is. My understanding is that when -- that any of us can make a proposal and from there it goes to this Council for consideration, is that correct?

CHAIRMAN OLSEN: Yes.

MR. ROHRER: And so this Council did make a recommendation for this proposal for extension of the season to go to the Board, is that correct?

CHAIRMAN OLSEN: Yes.

MR. ROHRER: My understanding also, and I have a copy of the analysis done by the local refuge staff, that there is input from the local staff. There is input from the State. My understanding is that the State was opposed to this season. And my primary concern is that there was no due process here. The Federal Register requires adequate notice for any of these extensions. I have a copy of it here in front of me. I'll read it to you.

The Board may make or direct a temporary change to open or adjust the seasons or to increase the bag limits for subsistence uses of fish and wildlife populations on public lands. An affected rural resident, community, regional council or administrative agency may request a temporary change in seasons or bag limits. Prior to implementing a temporary change the Board shall consult with the State. The State was opposed to this season. We know that. Shall comply with provisions of 5 USC 551 to 559, the Administrative Procedures Act, and shall provide adequate notice and opportunity to comment.

There was not adequate notice on this proposal to the public of Kodiak. The notice that most everyone in Kodiak received was when the announcement was made of the season.

At the Fish & Game Advisory Board meeting last Tuesday night my perception was that I was the only person in the audience and on the Board that had any knowledge of a possible - of the request for the season. Quite, frankly, the way I heard about it was I was at the refuge office on other business and one of the staff members said did you hear about the proposal for an extended deer season? I thought it was a joke. I still think it's a joke. I didn't take it seriously. I didn't see any public notice. I thought, well, if this goes any place then we'll have some public notice. The public will have opportunity to comment.

Several days ago when I asked the refuge staff how they -- what they did about public notice and public input I was told that there were 10 people, 10 telephone calls made to people in Kodiak. I think there was some calls to villages as well. But there were 10 people in Kodiak called. I said how did you select those names and it came from the -- for starters, anyway, and I don't know if it went further than that, but for starters they took the list of 36 names of people that picked up -- I can't think of the name of the permit, I have it in my file, but the permit that allows us to harvest deer for other people.

CHAIRMAN OLSEN: Proxies.

MR. ROHRER: Proxy. Came from the proxy list. There's 36 names there. 36 people last year that picked those up. And that was the list used to solicit input, 10 telephone calls. To make a decision to open this deer season based on that amount of public input does not meet the intent of the public notice.

Yes, Fish & Wildlife Service did not comply with the Federal Register in this issue and it is not the Subsistence Board's fault. I read -- I was away from town the last few days and I read the paper accounts, newspaper accounts when I got home. And I see a tendency pass the buck to the Subsistence Board. The Subsistence Board made their decision based on what this Council advised them to do and based on what the refuge staff right out here, what their input was.

My request of this Board after you hear the public testimony today and after having heard, certainly the opposition to this in town, is for this Board to send a recommendation -- first of all, to take a vote and see whether this Board supports an immediate closure of this season. And, if so, to make that recommendation to the Federal Subsistence Board and to the refuge staff locally.

I think the other way this season can be closed is by emergency order by a refuge manager. I would request publicly that he do that based on nothing more than this lack of adequate notice and the obvious opposition in this town to this action. So that's the action that I think that is the action to take. That's the legal action to take and I would like to see this Board do it.

Mr. Chairman, I have another question. My understanding is that on the actual proposals there will be opportunity to -- for a public notice at that time for those specific to the proposals, 26 and 27, is that correct?

CHAIRMAN OLSEN: Yes.

MR. ROHRER: Thank you.

CHAIRMAN OLSEN: Yes.

MR. ROHRER: I have nothing more at this time.

CHAIRMAN OLSEN: Thank you, Dick. I feel as the meeting progresses here we will have opportunity for different ones on the staff to give their comments on how things had transpired here.

Randy. Randy Blondin.

MR. RANDY BLONDIN: Well, I guess -- first of all, I'll give my qualifications, I don't know about my testimony matching those, but I think they pretty much summed it up.

But I shot my first deer at eight years old. I'm now 38. I've been hunting for 30 years. Not only do I hunt every chance I get but I also as a commercial fisherman see these deer year round as I fish year round. And so, I think I'm pretty much an expert, too, as far as the deer -- as far -- in other words, I'm not a biologist, but I think I can give a pretty good perception of what's going on. And, quite frankly, I'm pretty embarrassed that -- at some of the comments I've seen, and I'm pretty concerned with some of the comments I see as far as what's going on right now.

For instance, Jay Bellinger's comments. I -- I really respect Jay as a person, but as far as his managerial comments I'm really kind of concerned, I mean that somebody could say like in yesterday's paper that the deer still have -- some of the deer still have horns and that they're in terrific shape. I mean those are embarrassing as far as I'm concerned because anybody that sees these deer this time of year knows that the deer are not in terrific right now. And so, I just want to make a comment that to follow up, I think what my dad was saying was what can you guys do -- or I guess what we're asking or what I'm asking right now is, first, of all, did it go through this Board, did this Board okay that proposal?

CHAIRMAN OLSEN: This was -- yes. We were all called on it to ask our view on it.

MR. CHRISTENSEN: I'd like to make a comment on it, Mr. Chairman. Randy Christensen. I represent the villages of Larsen Bay and Karluk. And I noticed that the one thing we've always done with proposals is it goes through us and then, of course, it goes to the main Board when they convene. And I was called, I was called in Larsen Bay asking what I felt about it, about an extension of a hunt.

Well, I felt at that time with the input from Larsen Bay and Karluk that the people wanted an extra extension for a hunt, but I really didn't expect this opening as they did this year. I was for a hunt, but I expected it to go through -- probably through this particular meeting right here as a proposal to go by this Council and then forwarded in the next board meeting, the actual Subsistence Board meeting. So when Mark says that it went through this whole council and was agreed upon, I can't say that I did agree specifically to this -- and this is not an extension, this is an emergency opening and it was done by -- I hate to put the Federal authorities in a position, but that's exactly what it was. It did not formally go through this Council. So I just kind of wanted to make that clear. That this is the only time a proposal went by us without any formal action by this Council.

MR. RANDY BLONDIN: Well, no, I understand that. In fact, that's the

MR. CHRISTENSEN: And I understand your concerns. And I did have that same concern about it happening pretty much without our formal action on it.

MR. RANDY BLONDIN: All right. Well, that's the excuse we keep hearing, but what I want to know is -- well, for instance, this Board, you guys are familiar with the process. I still don't understand how something just as simple as some dates can be discussed. I mean to give just somebody an open ticket. I mean you guys all live here. You guys all hunt here just like I do. You should have put some dates on there. I mean if you guys are on the Federal Board you guys should know that these guys up in Anchorage don't have a clue what's going on down here. So you guys should have put some dates on there

instead of saying, well, yeah, just open it whenever you feel like.

MR. CHRISTENSEN: Well, what I'm trying to say is that this went by us as just -- it came to me as a surprise just as much as it did to you. I had no chance to even discuss any dates or anything on this

MR. RANDY BLONDIN: Well, I thought I -- the question I asked was did this Board approve this extension and you said yes.

MR. CHRISTENSEN: We were called on it. And that's why I was just saying Mark said we did approve it, I did not personally approve anything of this and I didn't have anything to do with any dates.

My understanding when I got the phone call was asking -- they were asking my opinion on an extension for a subsistence deer hunt. I assumed that this was going to come up as a proposal to be acted on on this Council to be forwarded to the actual Board that makes the decision, the final decision. I didn't expect anything to happen until at least a year or so down the line.

MR. RANDY BLONDIN: Right.

MR. CHRISTENSEN: That was my understanding. So as far as it being approved, personally I didn't approve this. I'm not to say that I'm against a subsistence hunt because the feeling I get from Larsen Bay and Karluk that it get -- my feeling was maybe an extension in January, whereas there used to be a season in January. As far as this March hunt there, that will have to be further down the line in our process, we'll have to figure out whether we oppose it or not. That's not for me to say at this time.

MR. RANDY BLONDIN: Well, like I say, we've heard that. I've been here and the excuse that while we want an extension in January, but I still don't understand -- and it really, quite frankly, doesn't make any difference how it happened. Like our

editor stated in the paper the other day, let's try to make sure that something like this doesn't happen again because to me it's like, you know, once you miss the boat you miss the boat. This reminds me of boats going by and when you miss one boat you just jump right in the water. I mean they -- somebody should have acknowledged that this wasn't the right time.

And so I'd like to follow up maybe on what my father was saying and I think he probably didn't understand that you guys didn't maybe have a direct impact on this. But I guess what I'm saying to further that is, is I understand that but I'd like to know what you guys feel about it and I'd like to see you guys make a stand and tell them that -- what's your views are. I guess I'm kind of curious to know what's going to happen here myself. But I guess what I'm requesting is for this Board to take a stand and ask for an emergency closure of this thing.

Now, whether or not it happens or not, I guess that remains to be seen. We'll all just watch and listen here. But I just wanted to make my comments as far as what I think about it and my concern about it as far as the future because I don't like is I don't like the Federal government and State fighting back and forth and we're caught in the middle. That's what I don't like and that's what I see here. I just see it.

I don't think a bunch of guys up in Anchorage care if we shoot a few more deer in the fall, excuse me, but I don't really believe that. I think it's one more way the Federal government can just take stab at the State right now and we're getting caught in the middle. And my concern is more for the future, not maybe necessarily right now. This will play its ownself out. Anybody that wants to stand up in favor of this thing will take the heat themselves, so as far as I'm concerned that's up to them. You know, anybody on this Board that wants to back this thing up, that's their own problem.

My concern is that this thing between the State and Federal government gets under control here so we don't face some serious impacts in the future as far as fisheries or anything else, so that's my only concern. And like I said, I'm just asking-- I'd like to ask this Board today, I know there's other proposals like bear and stuff, I understand that, but bear

season is not open right now either. I'd like to see this Board take a view on what's going on right now either aye or nay and have it submitted right way.

So, anyway, that's all I have to say. And I thank you very much.

CHAIRMAN OLSEN: Thank you, Randy. Next here I have a Donald Fox.

MR. FOX: My name is Donald Fox. I'm a member of the Kodiak Advisory Committee and I did (ph) attend the Tuesday meeting and I'm really opposed to this. I think there should have been a better way to do it, you know, an extension at the end of the year on a per need basis, a proven fact that somebody needed extra deer and issue a special permit and not open it, blanket open it wide, because the deer are in bad shape this time of year, you know. They're -- I have to admit in my earlier years when I shot deer this time of year. And they're not in good shape. There's no fat on them. They're skinny. The does are pregnant and any stress on them -- you shoot one deer this time of year you're killing three for the fall. If somebody really needs the meat this time of year they should have been able to get it by now or they should extend the season at the end of January or something like that. Or even in January not open it blanket wide for everybody. If the villages need it on a per need basis issue permits and allow some of the village to get the deer, but most people in town here can get their deer. And that's all I have to say.

CHAIRMAN OLSEN: Thank you. Rob Holt.

MR. HOLT: I specifically wanted to talk about proposal 26 and 27. DO you guys want to hear about that now or there's some other people that want to talk about this particular issue that you're involved in right now or what?

CHAIRMAN OLSEN: Certainly we will if it's pertaining to those proposals. We do have quite an agenda and I feel it will be brought up possibly tomorrow morning, depending on how our agenda goes today, but we do view these as two separate issues,

yes.

MR. HOLT: Yeah, so you don't mind hearing about mine right now?

CHAIRMAN OLSEN: That would be fine.

MR. HOLT: Okay. I grew up here in Kodiak and I'm a guide here. I guide out of the Village of Old Harbor primarily for brown bear and also for deer. Proposal 26 and 27 deal with customary and traditional use of brown bear and opening up a village quota season and also opening it up for subsistence use by all residents of Unit 8 for brown bear.

I understand -- because of my relationship with the people in Old Harbor I understand what their needs are, they'd like to do some -- they like to take a bear every now and then under subsistence regulation. And that's a reasonable request. The bear population is such that that doesn't really create a problem biologically. It doesn't really create a problem in any other way. The problem comes when you look at the federal staff analysis of these proposals and you realize that they're advocating a reduction of 50 to 80 percent of other permittees -- of other permits to allow for this hunt. So what we have here is a situation where a reasonable request due to the mandates of ANILCA and the position of the Federal people involved, a reasonable request turns into something that resident hunters get completely cut out -- other resident hunters get completely cut out and basically the guiding industry stands a good chance of being completely destroyed. I mean if you reduce the amount of bear permits by 50 to 80 percent there is no way to run a guiding -- a viable guiding industry.

There are better -- there are some other downsides to this Federal permit. One of them is these Federal permits cannot be used on Native land and they cannot be used on State land. They can only be used on the wildlife refuge. I have a proposal that I sent to the Commissioner of Fish & Game that brings his attention to a State permit that is in existence. And the permit is to take game for cultural purposes. Basically

the -- I was able to get a copy of it to Al and I apologize for not being able to get copies of it to all of you guys by now. And what this means is the Commissioner can issue a permit to a village upon, you know, receiving their application for it so that, say, if the village of Old Harbor, the village of Akhiok wanted to take one bear they could apply for this permit. The Commissioner of Fish & Game -- the State Commissioner of Fish & Game can issue them a permit and they can use that permit on Native land or Federal land or State land, wherever they want.

And if that system is used then the desired harvest by one or two people in the village that wants some meat can be taken care of and the rest of the bear seasons can go on pretty much unchanged.

My request of this Council is that in lieu of this -- the availability of this permit -- and I've talked to some people at Fish & Game, in lieu of the fact that this is here and you can use it, I believe that there's a State solution available to this whole thing. My request is that this Council considers this and withdraws proposal 26 and 27.

I realize that there was a lot of time spent on these proposals, but the fact is that proposals that come from advisory councils the way ANILCA is written, the Federal Subsistence Board has to adopt those proposals. They don't have a choice. They may have -- there may be a lot of language back and forth to lead people to believe that your proposals are just proposals and that those people in the Federal Subsistence Board can act on them however they want, but ANILCA really doesn't allow for that. So in the same way they also have -- if you withdraw a proposal then they have to recognize your desires on this and that's the way they have to act.

Do you have any questions of me? Can I answer any questions about this and how it affects the guiding industry?

CHAIRMAN OLSEN: No. I've just heard from information that I have not ever heard before. And I certainly -- when these comments come up it takes a little while to try to see where the originance (ph) of the complaints, if you will, come

from such as the percentages you were talking of of permits and whatnot. That part has not in my opinion exactly as you had explained it. These bear proposals, I feel, were for community harvests and specified the amounts and et cetera were well within the lines of the resource.

MR. HOLT: Exactly. If you'd allow me to comment on that just a little bit more. What's happened in this is as I said in the beginning, it's a very reasonable proposals for the village harvest. There aren't any guides on the island that disagree with that. But the way that the Federal Subsistence system works and the way that ANILCA mandates that things be taken care of, the entire population of the island of Kodiak has to be allowed to harvest bears under this subsistence hunt.

There is no mechanism to separate the village quotas from a normal subsistence hunt unless the population of bears is such that the Federal government -- the Federal Subsistence Board can differentiate between two different subsistence users. So what happens is when you put in a proposal like that it automatically includes every resident of Unit 8 whether you really intended that or not.

And in the defense of the Council I've been following this as closely as I can and reading what documentation I can come up with and I don't really believe that -- I believe it was the Council's intent to provide for some village harvest and I believe that when the Federal people were involved in this got a hold of it I don't think that they were keeping you informed. I've talked with Al about this and the numbers of 50 to 80 percent are in writing. That's a Federal staff analysis as to what they think would have to happen if this proposal goes through, but I don't believe that they were passing that information on to you guys.

It seems to me like, and this is just my own view on it and a lot of times I don't get the right picture, but it seems to me like there was the original reasonable proposal and then there was some ulterior motives within the Federal system that didn't include you guys. So you kind of got caught kind of similar to the deer thing. You guys got caught basically being shown as the people who came up with something that really it

doesn't all fit together. It doesn't seem like in these bear proposals, if they go through, you're not really getting what you asked for. You're getting 10 times more than what you asked for and there's results that, I'm sure, that you people did not want. I mean they're not reasonable results.

And so my proposal is that you guys just drop these or disapprove, whatever action it takes on your part, Proposal 26 and 27. And then work with the State on their cultural permit. I've been in contact with only -- it's been kind of hard to stay in contact with these people, but with one person in Fish & Game and from what it sounds like they're in favor of working with the people in the villages on that permit.

CHAIRMAN OLSEN: And certainly we will be discussing this issue in more depth as it is under our proposals and changes that will be coming up here, more than likely, further down the agenda. I cannot at this time know when it's going to come about, but I would suspect it would be late this afternoon or possibly early tomorrow morning.

MR. HOLT: Okay. Well, thank you very much for the opportunity to comment on this and I'll be here for the duration of the meeting if I can answer any more questions on it. I'd really like to be involved in this.

CHAIRMAN OLSEN: Thank you, Rob.

MR. HOLT: Thank you.

CHAIRMAN OLSEN: I believe at this time we would kind of really like to hold off on public comments on Proposals 26, 27 and 28. And at this time keep our comments on the deer proposals at this time so that we might be able to get through these a little more timely. Iver Malutin.

MR. MALUTIN: Good morning and thank you, Mr. Chairman, and the Board. And in looking at the audience I get a good feeling as to the group that is here. Money versus subsistence. I could see it. I was born and raised in Kodiak and subsided heavily on everything that was here. And because of Federal

regulations we are being driven further and further back from our subsistence lifestyle. And in 1996 they sent out surveys, in 1995 they sent out surveys, years before. And based on the State and Federal guidelines that we had we couldn't subsist. I do it.

And let me tell you a story. When there was a marshal here I was hunting during a closed season behind the islands, behind the islands ducks, salt water ducks. And the marshal came up and I knew him personally. He said, Iver, what are you doing? I said I'm hunting ducks. He said, don't you know the season is closed? I said, no. We don't have any season. Our meat is on the table and that's our season. We said, ah, take your ducks and hide them and take them home. And I said, okay. Thank you. So I kept hunting.

And in 1996 now we are again being choked with more, I call it, Western influence. And I can understand all the needs here. Most of these people in the audience are here because of the resources that are here in Kodiak to make a living. I'm not here for that need. I'm here for subsistence. And I agree with this proposal. The people in the island, the villages, they agree with this proposal, I'm sure. They are in need. And the people don't understand when Mr. Blondin, a really good friend of mine, I knew him ever since he came to Kodiak, he's been here a long time, but not 65 years.

MR. L. BLONDIN: 42.

MR. MALUTIN: Okay. 42. They're relatively newcomers to me.

MR. L. BLONDIN: My kids are in their thirties
(indiscernible - simultaneous speech)

MR. MALUTIN: I'm looking to get in no argument with any audience member, I'm not here for that. I'm just here to make testimony. And my testimony is this; the people are in need in the island and they're not shooting the pregnant deer. Every person that I know

MR. L. BLONDIN: You've got to be kidding.

MR. MALUTIN: are shooting the deer that do not carry a young. Let me give you the definition of an Aleut. An Aleut is a Native person that strives on common sense. And history will prove that. Just to give you a good example. Look at every Native village at any place, they are built with a southern exposure. And the question is why? Warmth, sunshine. A good example is Chignik, Anchorage Bay. You have the village up on the hill that the Natives put up years ago. All of a sudden the newcomers like us come in and, hey, we build on the flat lowlands down in the basin where the sun leaves in October and does not hit the village till January. The Native village will have the sunshine throughout the year.

Now, that's a good definition of a Native, an Aleut. Look at their bidarkis. How did they navigate? Common sense. How did they survive? Common sense. And that's what we're trying to do today.

Just to give you a good example of why we need subsistence two weeks ago I was having salt salmon. And the week before that or two weeks before that we had salt salmon and we always used bacon and onions and we would fry them together and then we would eat them. And the bacon, man, that just upset you. My good friend, Carl Carlson, had some seal, had rendered up some seal and he had oil and he had some cracklings. He said, Iver, here this is much better so that's what I started eating. And it's been so long ago since I was able to kill a seal or eat seal and it's much better for you and it was really good.

I know I'm getting off the track of why we're here. Subsistence on deer. But this is just all part of it. And we are being choked by the Western influence. To give you an example, when I was a kid I was fishing off where the Mission is today, and because of a sport fishermen coming in, dollars, they moved us out of there. We could not go out there with our gillnets any more. I don't even own a rod and reel. Gillnets is all I use.

When I shoot ducks I shoot them -- I don't care if they're sleeping or awake or whatever. I shoot them for the table.

Okay. Now, after they closed us off on Mission, then we went down to where the boat harbor is, the silver salmon would come in there. Here comes development. Western influence. Big resource in Kodiak. Okay. Move us out of there. Then in the early '70s, maybe late '60s they come up with just one word, subsistence. What the heck is subsistence? You got to go get a permit before you could go over there to catch fish out at Buskin now. Oh, my goodness, what's next? So I see these (indiscernible) in the back and they scare me every time I go out because I think that they're going to arrest me because I still hunt when the season's closed. And I'm going to keep doing it all my life.

Now, what we're doing is we're choking off the subsistence lifestyle to the elder people because the younger ones are already choked off in most cases because of Federal law, State law. Now the elders can't get the subsistence food that they need for the younger people. And now I hear, see all these people in this room that were not here when I was doing all this subsistence. Very few of you. I'd like to see hands of who was here in 1945, '46, 47 and '48. Raise your hands. I don't see one hand. And yet you're trying to tell me my guidelines on subsistence today. And I don't think that's right. I agree with these guys. They're here to make money, they're here for a subsistence and they have to support their family the best way they can. But, please, if the people are only shooting male deer what harm are they really doing? Are they doing harm?

I got a lot to say. I didn't write everything down. I came here unprepared but I think that's all I've got to say. And I really want to thank you for the opportunity. And, Tom, I see your name on there as one of the sponsors of this and I really appreciate that. Anytime that we can get anything toward subsistence for the -- I'm speaking only for the Native people, I'm going to be here right at this podium. Thank you. Any questions?

CHAIRMAN OLSEN: Thank you, Iver. Thank you very much. At this time that's all I have registered here as far as public comment. Is there any others that

UNIDENTIFIED VOICE: I haven't filled it out. I don't know what I should do.

CHAIRMAN OLSEN: Yes. If you just would like to fill it out real quick, Ronald, I will hold for you.

MR. TUTIAKOFF: Mr. Chairman, I have a question while we're waiting. Probably to policy on what -- I know there's a lot of comments and feelings about this action that's being done right now. I'm kind of concerned that maybe we're not getting enough comment. I hear a lot of against and I've heard one for. Are we going to allow the deer issue to be discussed again in tomorrow's meeting or are we looking at an evening session to allow the people that are working that would like to be here that can't be here or have we made a decision on that yet?

CHAIRMAN OLSEN: My immediate feeling is we have looked at it, is to hopefully to try to take these issues one day at a time at least if time allows us to do so.

MR. TUTIAKOFF: I guess what I'm asking, are we going to open it up again tomorrow morning?

CHAIRMAN OLSEN: Hopefully we will be past that.

MR. TUTIAKOFF: Okay.

CHAIRMAN OLSEN: Yes. Okay. Well, thank you. I've received here a couple of more people that would like to give public comment here and testimony. Ronald Blondin, please.

MR. RONALD BLONDIN: Thank you, Mark. Thank you, everybody. I wasn't really going to speak, I was just going to listen, but I guess after awhile you just have to realize that it's -- you know, I've got elders, too. I think my background from wherever it may be, it was to fish, it was to hunt. And

because of the influx of people we all realize that we all get congested now. I could very easily say, well, Iver, fine, let's just forget about having this season. The Fish & Game, they can just go home. We'll just go out and hunt whenever we feel like it, but it's not good for the resource. My kids are at school today, but I could bring them here and show them what's happening. I mean it's a deal where I'm not here for any kind of money. I don't guide. I just put food on the table. I think it's a matter of just issues -- we're using these deer as a -- you know, they were planted here. They weren't here thousands of years ago or maybe they were, I don't know. But it comes down to what's best for them and ourselves to be able to work together to keep the resources in line.

Now, if I go out there and shoot ducks right alongside Iver and we go hunt deer or whatever year round, I think the resource would be in bad shape. I think no one is denying that an extension on the 15th -- up to the 15th of January would have been a good idea. But to open it now, you know, the numbers aren't going to get hurt. It's just a moral issue. It just doesn't make any sense. I've got a 300 magnum, I could walk up to a deer, and wow, I'm Mr. Big Shot, but I think we've got to get back to the basis of I've got elders, we all hunt ducks and whatever. It's not a matter of, you know, that I want to push Iver or around or anybody else that may be on this board and try to take away their resources. It comes down to what's best for these animals. So that's basically all that I have to say. Thank you.

CHAIRMAN OLSEN: Thank you, Ronald. Dale Johnson, I believe.

MR. JOHNSON: Yeah. Thank you. I just wanted to state that I just think it's a pretty poor management decision to open the deer season at this time. There's a lot of research been done. I could reference U.S. Fish & Wildlife Service's own material from all the elk refuges in Wyoming and Montana and Colorado and what stress does to animals at this time of year. Causes them to abort and lot of them just die from stress. So basically just a pretty poor management decision. They're not an indigenous species and they were planted by the State and I

think they should be managed properly and to the best use and that this was just not a good decision and should be closed. Thank you.

CHAIRMAN OLSEN: Thank you, Mr. Johnson. Was there anybody else here that didn't have the opportunity to speak that would like to?

MR. BARKER: I don't know, who gets these?

CHAIRMAN OLSEN: That will be fine right here, Bill. I guess you're as good a hander as anybody. Thank you, Bill.

MR. BARKER: My name is Bill Barker and I'm representing the Kodiak Fish & Game Advisory Committee as chairman of that committee. We were in a meeting on the 20th when we were informed of the potential for this hunt or actually it was announced that the hunt was going to be taking place. The discussion that ensued from that announcement not only with the members of the Committee but with the members of the public present were all in opposition. All of them were in opposition to this hunt. A unanimous vote by the Committee instructed me to correspond with Mr. Dementieff, the chairman, of the Federal Subsistence Board and express our views along these lines. Reason for opposition; the current five month season is sufficient for the harvest of the limited numbers of deer. The harvest will target larger deer which at this time of the year will mean the pregnant does that will be heavy with fawn. The possible overharvest in areas at the boundarge (ph) of the refused, those areas that will be right at the points of access to the refuge will certainly get the heaviest hunting. The additional stress on the animals at this time of year when the deer are already stressed may cause the death of animals which will not be harvested. And the quality of meat especially of the bucks being very low in fat at this time of year will be questionable.

The Committee did not feel that the -- that this season constituted good game management. The herds are healthy at this time. The comment was made that the hunt probably would not hurt the deer population, but I will tell you, gentlemen, that

every poacher who has ever pulled a trigger on a deer said that's not going to hurt the population.

The reason the herds are healthy is because we've had a conservative management over the last few years following the bad winters of the late '80s and early '90s. This hunt is not in keeping with that philosophy of conserving the animals and building the herds back. And while there, one of our other thoughts was that -- and this was expressed quite loudly, is that there'd been no public notice, no hearing such as this one prior to the announcement of the hunt. There was no advertisement that we knew of, no attempt to solicit input of the people of the area prior to presenting the proposal to the Federal Subsistence Board.

I am in opposition to the hunt and the people that -- of the Advisory Board were unanimously in opposition to the hunt. Thank you.

CHAIRMAN OLSEN: Yes. Thank you, Bill. Is there anybody else that has -- would like to give their public comment? Hearing none I believe that I would like to take a five minute or a 10 minute recess here to have some discussion here.

(Off record)

(On record)

CHAIRMAN OLSEN: Thank you, again. We'd like to keep this moving on a little bit here as I am just made aware that we do have some call-in people wishing to give a comment on this issue which we will be expecting at about 10:30.

At this time, though, I would like to call on Bill Knauer here to give us some information as to how the regulations refer to this issue. Bill.

MR. KNAUER: Thank you, Mr. Chairman. In the Federal Subsistence Program process there is opportunity to both challenge or request reconsideration of Federal Subsistence

Board decisions and there's also a process to request the Board take a special action. A gentleman earlier quoted the section about the special action and, in fact, in this particular case the Federal Subsistence Board received on January 25th a request for a special action extending the deer season by one month due to the fact that extremely poor weather, high winds prohibited in many cases hunters from getting out during the last two months of the season to harvest deer.

The process is such that when a special action is received a copy of it is provided to the State and to each Council member in the affected region. An analysis is done, both biologically and culturally regarding the proposal. A staff committee meets and then the Federal Subsistence Board meets and where conditions permit there is either a public meeting held or numerous calls are made to affected public. If possible a regional council meeting is convened, if that is not possible individual council members are queried and this occurred at a time when not only were there 67 other proposals being analyzed by staff people, but at a time when the season was to close within five days of when the request was received.

The analyses were done. Calls were made. The staff committee met at their earliest opportunity and the recommendation was from the staff committee that there was adequate information that, in fact, the weather was extremely bad exceeding the 10 year average for windy/rainy weather that did prohibit subsistence users from getting out and harvesting deer during the last two months of the season. The Federal Subsistence Board acted as quickly as possible and upon themselves chose to create a 30 day season -- since the request was to extend the season 30 days to create a 30 day season with a harvest -- this is for Unit 8 residents only and would occur only on Federal land and it would require a Federal registration permit. There would be a limit of two deer. Those two deer would not be in addition to the five deer limit that an individual had before, but would be part of that five deer limit so that it would only apply to those people who had not yet taken their limit.

It is a special action meaning it's for this season

only. It would not occur in future years unless there were a special request and adequate justification at that time. The Regional Council members individually were consulted by phone. Mr. Christensen is correct that the Council as a Council took no formal action, but individual Council members were consulted as far as the status of the situation in their known communities.

CHAIRMAN OLSEN: Is there any questions of Mr. Knauer. Yes, Dick?

MR. ROHRER: I have one question.

COURT REPORTER: Excuse me, could you come up to the mike, please?

MR. ROHRER: Thank you, Mr. Chairman. There were several of us discussing we're not exactly sure of the legal requirements of the process. Can anyone tell me whether the action that you just spoke about was presented to the Board exactly the way it was done, that this was a polling process of the Board members or do you think the Board was under the perception that this was actual action, a motion and a legal meeting by teleconference that this Board took. And I think that would make some difference in -- if I were a subsistence board member and didn't clearly fully understand the -- how it was -- how that information was passed along?

MR. KNAUER: No, the Board was aware that there had not been a convened meeting of the Regional Council. They were aware that it was a phone call to each council member asking their opinion on the issue as a knowledgeable individual of particular areas of Kodiak, not representing themselves as a council as such because they had not convened as a council.

MR. ROHRER: And the Board had this meeting by teleconference, I understand, is that correct?

MR. KNAUER: That is correct.

MR. ROHRER: Can you tell us what constitutes adequate notice for these special regulation considerations?

MR. KNAUER: It varies tremendously anywhere from a advertised public meeting to notice by CB in a community. It depends upon the extent of the impact to the resource. The primary concern of the Federal Subsistence Board is a conservation of healthy fish and wildlife populations. And it was believed that because that this would add no mortality that would not have otherwise been contained within the original season that -- and because it was limited strictly to members -- residents of Unit 8 and would be confined to federal lands with a harvest limit of two that it would not be undue impact to the deer resources.

MR. ROHRER: Can you tell us if there was public notice made in Kodiak?

MR. KNAUER: That I do not know.

MR. ROHRER: Can anyone tell us that?

CHAIRMAN OLSEN: What was that question again?

MR. ROHRER: Was there a public notice to put out the information that someone had proposed a subsistence season -- or an extension of the subsistence season. I know there was some phone calls made, but what I would like to know is whether there was a radio announcement, a mailing, any attempt for a broader public notice? That's my concern.

CHAIRMAN OLSEN: That I could not tell. Maybe Jay or Robert, can you address that? Microphone.

MR. BELLINGER: Jay Bellinger, the refuge man here at Kodiak. Our part in this was more to furnish information for the folks in the Subsistence officer in Anchorage rather than do it ourselves, so you know, we didn't put out any news release or anything down here from the refuge.

CHAIRMAN OLSEN: Okay. Thank you, Jay.

MR. ROHRER: I have one more question then. I'm wondering if the Subsistence Board knew that there was no public

notice made for the -- here? And I

MR. KNAUER: I cannot speak for them. I do know that they were aware of an extensive array of phone calls in the various communities around.

CHAIRMAN OLSEN: I'm not aware that public notice is required for emergency orders.

MR. ROHRER: It is in the section that I read earlier under closures, is that not correct, or under emergency openings, is that not correct?

MR. KNAUER: There is a requirement for public notice. It is not specific as to the extent or the methods.

MR. ROHRER: But it does say adequate public notice. And in my -- the reason I'm trying to make such an issue of this is because I think that's what the issue is and I think Mr. Christensen's comments fit right in with that. I deal a lot with the Federal government and public meetings are always a big part of making decisions by the Federal government. And with Fish & Wildlife Service related issues that's always a big part. They try to do the best job they can in providing adequate notice, are required to do that by law and then they go behind closed doors so to speak and make the decision that affects the rest of us, but anyway that's my concern. Thanks.

CHAIRMAN OLSEN: Thank you, Dick. At this time we have reserved 10:30 here, I believe, for public comment by telephone. Has that been set up?

COURT REPORTER: What was set up with the Clerk's office is that if anybody calls for public meeting, the deer issue, it'll be between 10:30 and 11:00 and they'll just patch the phone call through here.

CHAIRMAN OLSEN: Okay.

COURT REPORTER: So if the phone rings

CHAIRMAN OLSEN: All right. Thank you. Is there anybody else that would like to -- may I ask you folks here, we have a registration here as you enter the door, that is to whether you speak or not, that we would like to have you sign in the register as being here at this meeting. If you could please do that. And also for public testimony we have a little form, if you could please put your name on it and address and we'd love to hear from you.

MR. WITTEVEEN: I just wanted to ask you one question if I could. I thought you were asking questions on the deer issue (ph).

CHAIRMAN OLSEN: Yes.

MR. WITTEVEEN: My name is John Witteveen. It's kind of obvious to me now that you people then as advisory Board did not have to take action on this proposal, is that correct?

CHAIRMAN OLSEN: Correct.

MR. WITTEVEEN: You're not required to take action on something that impacts Kodiak directly and only Kodiak?

CHAIRMAN OLSEN: Not in a convened session.

MR. WITTEVEEN: Okay. So the polling then, the telephone call was not any way, shape or form a meeting?

CHAIRMAN OLSEN: It was polled and we can -- we certainly will be discussing these issues here after our public comments.

MR. WITTEVEEN: Okay. I'm not sure that answers my question except that I would be concerned if your advice wasn't taken prior to the action of the Federal Board in a meeting.

CHAIRMAN OLSEN: I don't quite understand the question then. I

MR. WITTEVEEN: Well, this proposal affects just Kodiak

Island, right?

CHAIRMAN OLSEN: Right.

MR. WITTEVEEN: Unit 8. It's just residents of Kodiak?

CHAIRMAN OLSEN: Yes.

MR. WITTEVEEN: Okay. And you took no formal action.

MR. TUTIAKOFF: We were polled.

CHAIRMAN OLSEN: We were polled.

MR. WITTEVEEN: Okay. But I don't see that as action. I mean I assume that you are under the same public meeting act requirements that other entities are and you can't conduct public business on public issues by telephone with just the affected Board members. That really leaves the public out of the process, I mean totally out of the process.

I used to work with the School District for several years in Kodiak. And if we were to -- let's say we had a major issue coming up before the School Board and I just decided it was much easier to call them and ask them their opinion and then take action, I'm sure that many, many people would be affected by that and be very upset about it. It completely leaves the public out of the process which is exactly what this appears to have done. And the public I'm talking about is the public of Kodiak that was most impacted by this decision.

Right or wrong of the decision. I personally disagree with the decision, don't get me wrong. But I'm talking about the process for that. And if anything, the Federal government as Dick has said can get mired (ph) down for eons of time in public processes. I'm actually shocked that the Federal government was able to do this and move that fast without anybody finding out. Normally it's just the reverse; it takes forever to get something done. So I would -- you know, I would encourage you as a Board also to take a stand. I mean if you're for it, fine. That's up to you. I mean I can disagree with

that, but I think it clearly lacks input from the public. There's no question that it lacks that.

And reading an article in the newspaper, which the newspaper's articles are not public notice that some reporter has written is not adequate specially when you're told that the season is going to open Saturday -- last Saturday in this case. Thank you.

CHAIRMAN OLSEN: Thank you.

MR. RANDY BLONDIN: I do have a quick question for you.

CHAIRMAN OLSEN: You need to come to the mike if you're going to speak, please.

MR. RANDY BLONDIN: Yeah. This is Randy Blondin. I'd just like to make one -- I have a question also. I mainly came here just for the bear issue, from what testimony I heard on the bear issue it still to me sounds like the same thing. It sounds like something that was intended one place (indiscernible) other places and coming out the same way. I mean if I heard Mr. Holt right it sounds like we're talking about the same thing here. What was intended for the villages isn't necessarily happening that way.

I -- the only thing I agree with Iver on is I think that him as a Native that's hunted here maybe should be able to go out and shoot ducks year round, but let's face it, you know, Kodiak is not as big as it was in 1969. I mean we're a lot bigger now and if we all do that there's obviously a problem here. So, I guess the question I have is, is we've had some issues come up here that they are obviously the same. Number one is there seems to be some kind of a lack in communication between the Advisory Board and the Board up in Anchorage. And as far as I'm concerned that's a very, very important link that's not being connected because that's the important -- the feedback from the community is the most important aspect. I mean that's to me what they should be ruling on.

So I guess what my question is, is now that we've had

two main issues, number one is it hasn't went through the Advisory Board and number two, it hasn't had a public comment. So what my question, I guess, to Robert is is to me, I would think, that should be significant amount of lack of due process, I guess you might say, to have an emergency closure until they have more time to review this thing.

So I guess that's what I'm asking right now if that's something that can be considered or is that something that the Board has to consider?

CHAIRMAN OLSEN: My feeling here is I'm not an expert on regulation, but I don't feel that they would have approved this if things weren't in order. Your comment there as to the link between the Advisory Council and the Board I hope that you don't feel that we do not communicate. That is not so. As you are very well aware also we had Federal shutdowns here that certainly did affect meetings that were supposed to take place to which we have no control of. I just want to acknowledge here also that yes, I am a lifetime resident here and I'm aware of extensions to the deer season that have been going on many years that I felt, yes, we need to look at these issues especially as weather criteria holds back from being able to harvest a population that is very healthy.

Like I say, I cannot comment on the legal processes, that is not my department.

MR. RANDY BLONDIN: Right. I understand that. Well, I keep hearing the word extension of a season. This is not an extension of a season. This is a re-opening of a season. And we're not talking about January. We're talking about almost up to April and March is our worst month. So I keep hearing the word extension. It's not an extension. It's a re-opening.

But, like I said, I -- again, I still don't understand here because there's too many people standing on the middle of the fence right now. I mean we've had two issues now that we've showed lack of due process, but on the other hand, we're being told that no, the process was gone through. So, again, I'm really confused here as far as -- and I'm not sure if I mean the

question to the Board or to this -- or to -- what's your name? Willis?

MR. KNAUER: Bill Knauer.

MR. RANDY BLONDIN: Bill Knauer. I'm sorry. It says Robert up there, doesn't it? Wrong one. Sorry about that. Well, Bill Knauer then. Like I said, we've had two important issues up here and we're still being told that well, no, it did go through the normal process. So like I said, I guess, that's my question for Bill. Is there any -- what is the process there?

MR. KNAUER: The Board did evaluate both the analyses provided by the staff biologist, cultural anthropologist, information provided by the State and the refuge. They did look at the information provided as a result of all the phone calls. They believed they had adequate information and there was adequate notice.

Now, that's not to say that it could not -- that it should not have been better. It very well should have been. The -- Mr. Olsen did point out that things were back-logged as a result of two federal furloughs. He also pointed out and rightly so that this Council as do each of the other nine Councils have very close contact and communications with the Federal Subsistence Board. And, in fact, that they're at the Board's April meeting as well as most of the other public board sessions. There is a member of each Regional Council, usually the Chair, that represents the interests of that Council, particularly when there are proposals or items dealing with that particular region. And so he -- Mr. Olsen or another representative will be in Anchorage for the Federal Subsistence Board meeting in April in which they discuss each of the other proposals that will be discussed here. They will present the views of the public as they were presented at this meeting and also the recommendations of each Regional Council.

CHAIRMAN OLSEN: Thank you, Bill. Was there any other public comment?

MR. BARKER: Mr. Chairman, Bill Barker speaking on behalf of myself. Mr. Knauer has at one point commented to an extensive phone survey and at another time all of the phone calls, I'm wondering if you could tell us how many of those are? Numbers?

MR. KNAUER: I don't have those numbers. It's possible that someone else either on the Council or one of our other staff does.

UNIDENTIFIED VOICE: Okay. Why don't you speak to that.

MR. WILLIS: (Inaudible) I'll sit over here. Robert Willis, Wildlife biologist with the Fish & Wildlife Service Office of Subsistence Management.

To speak directly to Dick's question from our office there were approximately 15 phone calls made and people contacted in the villages and I believe four persons in the city of Kodiak from -- of those they were roughly equal in their -- either their approval of or disapproval of the proposed hunt. I contacted the refuge, in addition to the 10 designated hunters which I think Dick mentioned earlier had been contacted, Jay told me that they'd received about 20 phone calls from people who had heard a rumor that there would be a new season opened and all of those 20 or so people were in favor of it when they heard about the proposal.

And we also, of course, polled our Council members, not as a Council but as representatives of their communities who would considered to be knowledgeable about the feeling of the people in the communities, and polled to see whether or not they thought the hunt was a good idea. They also were all in favor. As Randy pointed out, he misunderstood that the proposal was for a hunt for this year.

Does that answer your question, Dick?

MR. BARKER: Bill Barker.

MR. WILLIS: Oh, I'm sorry.

MR. BARKER: That's okay. I don't mind. Dick's over there.

MR. WILLIS: You're Bill, right. Sorry.

MR. BARKER: That answers the question. It's just curious to me that as I was totaling up the numbers as you specified them although some of them seemed to overlap a little bit, we're talking about a maximum of 30 contacts, is that correct?

MR. WILLIS: That's about right prior to the meeting of the Board. And to back up a little bit, you know, we're relatively small staff and we depend on our people on the ground to give us information on what the public feeling is. The information that we got from our Council member here in Kodiak and also from the refuge manager was that there was overwhelming support for this proposed deer season. We then contacted the villages to see if that support also existed in the outlying villages since we had information from the city of Kodiak. As I said, feeling was roughly divided for and against among the people contacted in the villages.

We have to depend on our local people for information. There simply aren't enough of us to canvas the entire state. I personally cover Southeast, SouthCentral and Kodiak and the Aleutians, so my territory runs from Ketchikan to Tok to Kodiak out to Adak. And because we had people on the ground, you know, we accept their recommendations. And it wasn't until, I guess, after the newspaper article hit that we started to get a few phone calls in the office, people who were opposed. At that time we made a few more calls. I called the refuge again, talked to Jay and he was keeping track of the phone calls that came in. And when I talked to him at the end of last week at that time, I think there were a total of 54 calls received. 40 were in favor and 14 against.

Now, this isn't really -- it's not an election, you know. It's not a matter of question of who has the most votes

or who gets out the vote, but the indication was even at that late date that the calls were running about three to one in favor of the hunt based on the information that we had.

MR. BARKER: Thank you.

CHAIRMAN OLSEN: Thank you, Bill. Is there anybody else that would like to give their public comment?

MR. MALUTIN: Well, Mark, can I get up a second time? I'm -- don't know what the issues are, but what are they talking about? Just everything in general to subsistence?

CHAIRMAN OLSEN: Yes, we are still trying to deal with the subsistence hunt on the deer at this time.

MR. MALUTIN: Oh, you're still on the deer. Okay.

CHAIRMAN OLSEN: Yes.

UNIDENTIFIED VOICE: I just have one last question. Is there (indiscernible - away from microphone)

CHAIRMAN OLSEN: Yes, I'm not sure yet as to where that is.

(Off record comments re telephonic testimony)

CHAIRMAN OLSEN: Yes. Okay. At this time we will take some public comment from the telephone.

COURT REPORTER: Hello.

MS. R. OLSON: Hello.

COURT REPORTER: Can you please state your name?

MS. R. OLSON: Yes. This is Rexene, R-e-x-e-n-e Olson, O-l-s-o-n.

COURT REPORTER: Thank you.

MS. R. OLSON: I just wanted to add my support to all of the other people that are -- get my mouth out, wasn't expecting this. You caught me off guard. That are putting in their two cents worth against this hunt.

I think that the deer are not ready for this type of a hunt. It's not been a very good winter. It hasn't been an awful winter, but it hasn't been a very good winter. And I just don't think that it's right. And I just wanted to add my two cents worth. And I'm sorry I wasn't more prepared, otherwise, I'd sound a little more intelligent than I do at the moment. Thank you very much though for calling me.

CHAIRMAN OLSEN: Thank you.

MS. R. OLSON: Okay. Bye.

CHAIRMAN OLSEN: Bye.

COURT REPORTER: I have one more call to make and you can

CHAIRMAN OLSEN: Okay.

(Pause)

COURT REPORTER: Yes, Mr. Anderson, please. I have a message here that you want to make a public comment.

CHAIRMAN OLSEN: Please don't forget to sign our registration book, too, at the door.

(Off record conversation with Mr. Anderson re telephonic testimony)

COURT REPORTER: He's going to wait. He wants to comment on the bear issue.

CHAIRMAN OLSEN: Okay. I see. And that is all we have from the telephone at this time. Okay. Thank you.

I have Fred Roberts here wishing to talk for public comment, please.

MR. ROBERTS: My name is Fred Roberts and I'd like to comment on the phone surveys. There were polls taken and I understand that that is probably a good way to get the feeling of the view of the local communities, but I don't think enough weight was given to what some of the local biologists had to say. I think basing the decision for a hunt like this on the emotions of the local community might not be the smartest thing to do. And I think more weight should be given to the biological data from biologists. And I think the local State Fish & Game biologists have a bigger handle on this than, say, somebody from the Federal level.

I know the State has been here -- I see them a lot more than I see some of the Federal biologists, not that they're not doing anything, but my point is I don't think enough weight was given to what the biologists had to say about this. I understand the Federal said one thing and the State said another thing. And I think a little more research should be done before a decision like this is made and less emphasis placed on human emotions. Thank you.

CHAIRMAN OLSEN: Thank you, Robert. As I hear these public comments I guess it brings a question to my mind, I don't know if I'm reading correctly, but it sounds to me like we have a problem with the timing, the opening dates as to the season. Not so much as to the additional time, but more or less the time of the year that this is taking place.

As this came about I'm always aware of the many years that the State Department had opened up the commercial, if you will, hunting to extend through to January. When it was brought to my attention this is what was on my mind and at that time I really didn't feel that they could move quick enough to make it applicable to this hunting season. But, we do need to think of those that do need the subsistence usages. This is what we are here for. But if I could get some feedback, more clarification, that's what I am reading. Please tell me if I am reading you wrong? Yes, Randy?

MR. RANDY BLONDIN: I just have one more comment then I'm done. For instance, the last thing I was going to ask before I left last time was and maybe I'll start off with that this time is I'd ask our Federal person here if they were going to reconsider and it didn't sound like they were. What I'm asking is, is this Board going to -- now, it was done through the phone calls I know, and the last person which spoke, I think, had another good point. There's a lot of people out -- now, they said they surveyed 50 people. There's a lot of people I've talked to that weren't aware. They take it for granted that somebody knows what they're doing up the line. And there's a lot of people that weren't aware this was going to be a problem.

I mean I think if you survey a lot of those people that you surveyed before now that they're a little more knowledgeable they might not have the same answer. I don't know. I mean I can't speak for them. But I'm just saying, believe it or not, there's a reason we have public comments. There's a lot of people that don't say nothing and they just listen to what's being told and they can learn in the process. And I think all those people could learn. So I just wanted to make that comment that, you know, I don't think that -- you know, I mean -- first of all, I also am personally glad the Federal government is wanting to get in and do something. I appreciate that. But, we need to -- some kind of a form to do it in. So like I said, I'm asking the Board right now are you going to take a stand -- position on this thing now?

CHAIRMAN OLSEN: Not at this exact moment

MR. RANDY BLONDIN: Well, I don't mean that. But I mean you can see

CHAIRMAN OLSEN: But I guess my question is back to you as I just discussed. What seems to be the biggest opposition is the format of the public or is it the timing of the season or is it just a longer period that you're against?

MR. RANDY BLONDIN: Well,

CHAIRMAN OLSEN: I'm not quite sure where we're at.

MR. RANDY BLONDIN: Well, first of all, I think it should be obvious to anybody that this might not be the exact right time to voice it, but the season just opened day before yesterday, so we're right in the middle of it. We're in the season, so I understand that is probably not the best tool. This is the only tool -- or one of the only tools we have right now. So I understand that this is not the best way to do it, but it's one of the only ways right now to be able to get feedback.

We're going -- and besides that we are going back to one of the Boards that should have been -- had due process in the first place. So I mean it's not like we're completely out of line by coming here. But we are talking about a season that's in progress right now, so he says they meet again in April. Well, obviously the season is over in April, so I mean you know, we can't go to the Board right now, so what are you going to do? I guess a lot of people are just looking for some kind of support, wherever they can get it right now, to maybe reverse it.

Now then if there's a lot of people that feel the other way we should have a season, well then, so be it. I think that giving people phone calls here, you know, to different people, I think, first of all, you know, Al, I've talked to guys on the board, there were phone calls, they were not aware that it was going to open in February and March either. So, again, I don't consider that due process.

What I'm saying is, is this Board -- I don't mean right now or later on today, but before you guys -- the reason I'm asking it now from what I understand when you're done with public comment that's it. So I won't be able to ask this later. What I'm saying is this, before you guys adjourn are you going to take a stand on this one way or the other?

MR. EVERITT: We need to give it some though later on.

CHAIRMAN OLSEN: It is not an agenda item. That's the only I can answer that at this time, but here again, I'm trying to get some feedback to put some weight on decision here as to what is the basic controversy? I mean I'm hearing the process wasn't good. I'm hearing it's the wrong time of the year. I 'm hearing five months is plenty of time to get your deer. I'm not quite sure, is it all of the above

MR. RANDY BLONDIN: Well, let me -- I'll just explain one last thing and then I'm done. Anybody that has heard what's been going on in the last three or four days, if they don't have a clue what's going on then there's a problem. That's all I have to say because it's pretty clear. It should be pretty clear I would say.

CHAIRMAN OLSEN: Thank you, Randy.

MR. HOLT: My name is Jerry Holt. I think you just answered your own question. People reiterate the reasons that they're opposed to this hunt. One is the time of the year. If you had said, all right, well then, we're going to extend it, whatever, two weeks into January you wouldn't have had this problem. But here you are in the worst time of the season and people have been saying this all morning, the worst time of the season for these deer. It's tough on them. It's -- the meat is poor quality, poor nutritional value. All right. That's one of them.

The other thing is we've got the Federal government coming down here without any notice -- I didn't hear anything about it and telling us this is the way it's going to be. Well, those are the reasons.

I don't think you'd have had a problem if you'd have said, okay, we're going to extend it for two weeks in to January and just let it go at that. Okay.

I would take exception to the excuses that were used to get this thing going in the first place. The weather was not really all that good last fall, but there were plenty of hunters out. There were plenty. And even I got a couple of deer, okay,

along about November sometime. All right. And I'm not the best deer hunter in the world. There were plenty. You could get out there. Okay?

It may be true that we didn't have a lot of snow as we often get in November and December to drive the herds down to the beach where they're easy to be shot. Okay? And a lot of people have an argument with that.

All right. It's been my belief, my understanding, that the management of the wildlife here in Kodiak is the responsibility of the Alaska Department of Fish & Game, that the management of the habitat is the responsibility of the Federal Fish & Wildlife Service down there in the refuge. We pay for through one way or another, taxes or whatever, we support the local biological presence, trained biologists that have been here in Kodiak for a long time, that when they can get the money get out there and do the surveys and so forth that was necessary for sound management. Not some guy in Anchorage who by his own admission have responsibilities all over the state. I don't know how many times he gets out in the Bush here in Kodiak, but I'll bet it isn't all that often.

So in accordance with -- I just happened to pick up this paper that you have here on ANILCA, Section 802. Declared the policy of Congress that consistent with sound management principles and the conservation of healthy populations and fish and wildlife and so forth will have this subsistence thing (sic).

I'd like to know if there was a consensus of knowledgeable biologists, knowledgeable about what's going on here in Kodiak, a consensus that this is a sound management practice? I haven't heard anybody say that these people have so admitted.

And you're charged right here under ANILCA with -- with -- if it's a sound management practice then maybe you ought to do it every year. But I can't believe. All I've heard the biologists say is well, it probably won't hurt. Well, I don't think that's sound management. Okay.

Anyway, thank you very much for listening. That's my comment.

CHAIRMAN OLSEN: Thank you. I see Iver there would like to return.

MR. MALUTIN: Okay. As Paul Harvey would say, the rest of the story. Now, sound management practice. That's really interesting. I like what he said. The Natives -- I'm speaking for the Natives. The Natives have a different sound management practice than most people here for hundreds of years. And let me tell you that we were subsiding for thousands of years and we had sound management practices. Okay.

In 1996 the influx of people, again Western influence or call it whatever you want to call it, is choking the Native population. And I don't disagree with these people that they have very good cases. They all do. But, please don't forget the Native and subsistence.

And I've heard that elk and deer was not subsistence foods. Okay. When did subsistence start? You can define subsistence? Even today nobody still can define subsistence regardless of what the words say. A Native village, nobody can define a Native village just because ask and say (ph) this is a Native village, 25 people or more, that doesn't necessarily mean that that's what it is.

Navigable waters are still undefinable but yet they've got words for them. Okay.

The Natives had sound management sound practices. I've got to get my glasses on. I made notes this time.

Local biologists input. When the local biologists had their input it put more regulations, Federal and State, and again choking off the Native from their subsistence lifestyle.

I went to the Fish & Game to try to get permits to get the elder people in Kodiak salmon. I'm only allowed 25 per person in the family. No, I can't do that. They're getting

away from their traditional food because of our sound management practices.

I agree that deer and elk are new, but still they were subsistence foods when they were planted on Kodiak or Anafognak whether we like it or not. And for anybody to say when subsistence did or didn't start I don't think they can do that.

Okay. And because of these sound management practices today the Federal and the State government send out these pamphlets. Did you use seal, did you use whatever, elk, clams? In most cases we have to put no, no, no, no, no. Because of the sound management practices that they have with all these regulations we can't get them unless you're like Iver Malutin that will go out and get 'em, you're not going to get any because of the sound management practices.

The problem if we've got to work together with all these, this group here, and they're in the majority, and by what I'm seeing here I'm sure that this thing is going to fail on a subsistence hunt any more because we're in the minority. And in looking in here I only see two other Natives here, excuse me if I missed a couple, I just don't see them here. They're not here speaking for themselves and that is a traditional way of a Native person.

You look at all the property in Kodiak. You look at all the property in just about every place you go, the Natives don't have the big view lots and whatever. Look at Olga Bay. Money. There again, we get back to the money versus the Native and the subsistence. That's what this thing is all about.

I've got to look at my notes. Poor quality. Now, who is anybody to say what is poor quality if the Native likes that food the way it is. That stinkhead that they have up North is probably the most horrible thing that I ever tasted, but yet it's good. They like it.

The University of Alaska did a study on stinkheads. And because they didn't know how to it one person died and the other put in the hospital after they had finished their process. And for these people to come and say that the deer doesn't taste

good to the subsistence user when they are in dire need in some cases of that food and they -- it's not good for them because it's not the right season? No, that doesn't make sense.

The one person that spoke from Old Harbor, I have to take my hat off to him. He's living in the village. He understands the lifestyle and he agrees with them, that we have to work together and somehow get a solution to this problem. I wish all these people would come up here and say basically the same thing I've said, hey, I want a decision on this thing right now. We don't need that. We need to take in consideration all the people that subside.

I guess I'm running out of words. At the end of my text. As you can see I'm not a public speaker. I wrote very poor notes. And again, I want to thank you for your time.

CHAIRMAN OLSEN: Yes. Thank you, Iver. Certainly I want to say that subsistence is not a Native preference here. Subsistence is open to all rural residents and all residents of this unit on this particular proposal. So I just wanted to clarify that, that this is not a subsistence for Native people only.

However, through the process here we have stumbled over what's known as C&T, which is cultural and traditional. These things have been backlogged up from day one that we have tried to define and keep a harmony. I guess my father could only put it no better but where there is little love there is a lot of law. And where's there's a lot of law there's little love. We need to keep that in mind as we try to work a harmony out on these issues.

Is there anybody else that would like to give a public comment? Hearing none I would like to -- oh, excuse me, Mr. Squartsoff. Could you please fill out a little sheet for us when you're done, please? Thank you, Peter.

MR. SQUARTSOFF: Hi, my name is Pete Squartsoff. I'm from Port Lyons. I had no idea about this deer opening until Friday's paper and I strongly oppose it. I think it's ridiculous at this time of the year. And as far as -- I'm from

-- I've lived in Port Lyons since 1971. I'm originally from Ouzinkie. And if people out in the areas need deer I feel they should be able to get a special permit to allow them to get one or two deer or whatever they need. But to open it up to everybody and especially this time of the year I think is just plain ridiculous. I really don't see why it's being done or I don't know who -- I didn't even know anything about it or I would have opposed it if I would have known earlier. I had no idea this was happening.

CHAIRMAN OLSEN: Unfortunately, we can't take and select a few people to change the Western law systems here, Peter. It's always been a desire that we could work out something in harmony of this nature. But, it is not part of the process nor is it acceptable. And certainly when we talk of subsistence it means to me being free of prosecution. This is probably the biggest stumbling block we have with our subsistence.

MR. SQUARTSOFF: Yeah. I have no problem with subsistence. I support it. I believe in it. I think the Native people do need it and maybe other people do, too. But those that need it should be able to get it and not just open it up to everybody.

CHAIRMAN OLSEN: I feel that's why we're here, trying to come to some kind of consensus of harmony and agreement.

Was there anybody else we missed that would like to give their public comment or testimony?

Hearing none, I guess at this time we are going to continue on with our agenda. I thank everybody for the public comments that have been given. And also at this time I would like to take another break.

(Off record)

(On record)

CHAIRMAN OLSEN: Yes. We'd now like to bring this meeting back to order, please.

Certainly I want to assure that this is not the end of discussion by any means, but we would like to get on with our process here as to what helps us get to our decisions.

Next on our agenda we have under Old Business reports that we would like to hear. The first one is on the Federal Subsistence Board Meeting of January, 1996. This was canceled due to the Federal shutdown and has not at this time been rescheduled other than our next Board meeting.

I would like to at this time call on Moses Dirks to give us an update.

MR. DIRKS: Thank you, Mr. Chairman. Like Mark said that the joint chairs of all the 10 Councils and the Board was supposed to meet in November but the government shutdown did not allow that. But instead, in January they had a working session and January 19th, and the Board made these decisions.

Number one was rescheduling the Federal Subsistence Board Meeting Regional Council Chair Joint Meeting. The Board opted to schedule half a day meeting for Monday, April 29th, 1996 for the first day of the week long spring board meeting. The one purpose of the meeting will be to solicit ideas for agenda items for the joint meeting between the Board members and the Council chairs and to fill the agenda for the fall meetings of 1996.

And then, residency and licensing requirements. They also did take action on that. They proposed regulatory changes for addressing the issues and to be incorporated into a comprehensive list of proposed changes to subparts A and B. Bill will probably give us a summary on that later on.

A document will be circulated for Regional Council review and comment at their fall 1996 meetings prior to its publication of the proposed rule.

And then they've also -- they also took up defense of life and property. The Board directed the staff to conduct informal discussions with the State to convey subsistence users

concerning and to explore options of State actions, to make DLP provisions more responsive to subsistence users.

And the Board also expressed specific interest in addressing the State's sense of the extent of bear DLP harvest under-reporting.

SouthCentral Regional Council proposed to determine that the Kenai Peninsula is rural and the Board also referred the proposal back to the SouthCentral Regional Council and they haven't met yet, so they'll take that back up again.

They also adopted the Regional Council size. The Board adopted staff committee recommendations to increase the size of the councils for Regions 3, 5 and 7. Region 3 is the Kodiak/Aleutians and once we get to that line item we will discuss that further. By two members each. To try to recruit two more additional members besides the seven presently sitting on the Council. The additions will be incorporated in the charters.

We will talk about charters also, but that's another line item and which will be reviewed and forwarded to the Board and to the secretary in the spring of 1996.

Okay. That concludes the summary of what the Subsistence Board met about.

CHAIRMAN OLSEN: Yes. Thank you, Moses. I would just like to at this time show my disappointment as to the Federal meeting being moved up to April 29th. As in the past we have requested that the meetings be held at a time when we are not in conflict with other seasons. This April meeting always seems to conflict with the opening of the herring season around the state and all the coastal communities are out harvesting. Nevertheless, due to the shutdowns I realized that this was probably going to happen, but at this time I just want to comment that I am not perfectly happy with the timing of the Board meeting.

Is there any comment here on the Federal Subsistence

Board?

MR. TUTIAKOFF: It's April?

CHAIRMAN OLSEN: Yes, April 29th.

Hearing none that brings us down to the Alaska Maritime National Wildlife Refuge from the Aleutian Island Unit. Moses?

MR. CHRISTENSEN: Mr. Chairman?

CHAIRMAN OLSEN: Yes, Randy?

MR. CHRISTENSEN: This doesn't have to do with the Board, I just want to clarify on these two new members, I'm right in thinking that they're going to be from the Aleutian Chain Area of our region.

MR. DIRKS: Yes. Randy, we will discuss that further on as we get to that particular line item.

MR. CHRISTENSEN: Okay.

MR. DIRKS: That was as we proposed before, yes.

MR. CHRISTENSEN: Okay. Now, on another item, I remember you sent out applications for -- you said that anybody can apply. Now, am I correct in thinking when this Council was first formed there was a representative just like with the KAC, Kodiak Advisory Council, the Fish & Game Council, that there was supposed to be a representative from Larsen Bay, Karluk, one from Port Lyons, Ouzinkie and one from Old Harbor/Akhiok along with one from Kodiak and then one from the Kodiak Road System. That's the representatives I understood, you know, that evenly dispersed Kodiak Island. And I remember you saying, you know, you sent applications out that anybody should apply. Now, if these are -- if some seats are already filled I didn't quite understand when you mentioned just go ahead and apply anyway.

CHAIRMAN OLSEN: If I can here, Randy. Please. Under 8A we have Regional Council nomination process. I think that would be the proper time to address questions.

MR. CHRISTENSEN: Okay.

CHAIRMAN OLSEN: So if we can continue here with Moses. I believe you can give us a report and also, maybe Vincent can give us a report as to the National Wildlife Refuge, the Aleutian Island.

MR. DIRKS: I think I'll take a chance and try and report on the Alaska Maritime National Wildlife Refuge. I was supposed to get a briefing from Daniel Boone who is the Alaska Maritime Wildlife Refuge Manager, refuge manager, about the subsistence activities surrounding that refuge. And I was particularly interested in what the status of what the Adak caribou was because that's the only species that the subsistence program is in connection -- I mean has jurisdiction over. So about a month ago I called him and then he said that he wanted me to wait for his comments until after he met with the Adak Planning Group. I guess the Navy is planning on moving out of Adak and then they were supposed to meet with State people and also some Federal delegations from Senator Stevens' office was supposed to be there and Vincent will be doing a short summary on that.

But as far as the caribou goes before they thought of translocating the caribou off the island of Adak and then after this plan of possibly some interested people taking over the base operations in Adak they decided to wait on it, so as far as I'm concerned right now he told me that the status has not changed, so there is nothing, I guess, new to report. That's the latest that I got from him, so if -- I'll just turn it over to Vincent and then he could tell us a little bit about Adak or just a little bit

MR. TUTIAKOFF: All right. Thank you. Thank you, Moses. Since the Navy's made notification that they're leaving Adak it has become clear that the U.S. Fish & Wildlife Service is the owner of the property under lease to the Navy. Their lease or their leaving the area is going to terminate that lease of the facilities. There's approximately facilities as infrastructure to -- for capacity of 5,000 people. There's over 700 homes there. There's warehouse storages that's

unbelievable. The road system is like 14 or 15 miles of paved roads and approximately 30 miles of unpaved and four-wheel type vehicle roads, but there's approximately 500 animals that there's a concern that they're going to over-ride and starve themselves out.

A request was made by the King Cove Village Council and also Sand Point and Unga to transport 20 to 25 -- 25 to 30 animals to Deer Island which is off the coast on the Pacific side, King Cove, between King Cove and Sand Point and another island which I'm not sure of, maybe John could help me on this, think it's Nagai Island. Big Nagai. I'm not sure. But it's near there. It's near Sanak. But I guess the process is who's going to pay for transportation of these animals by the Fish & Wildlife Service or public entity or whomever and who's going to catch them to get that -- get the animals out of there?

And, I guess, the third alternative that they have was to totally destroy the animals this fall. It is an open hunt area right now. Just by a request, I guess, to Fish & Wildlife Service you can go there and hunt them as many as you want from what I understand.

And out of this is formed what is called the LRA, the Local Reuse Advisory Committee of which I am a member. There's approximately eight members appointed by the State Department of Regional Affairs, Community Development. Lamar Cotten is the chairman. Their disposition of the property, the facility is under question. And what this does it affects the land, I guess, basically it comes all the way down to who owns the land right now. And Fish & Wildlife does own the property. They want to stay there. They want to have a continued presence there.

We from the Aleut Community feel that they should be there. They have an important job to do out in that region and there's a lot of important wildlife species out there that need to be taken care of if for no other reason to keep an eye on the trapping and hunting that's done illegally by some users, not necessarily subsistence.

But I think that if we have an interest out there and I think we will have now that it's more open it'll probably become more informational as to what is going to happen to the caribou on Adak. We will have probably a proposal coming through since we're going to be part of that area now. It makes us more active than any other area in the Aleutian.

Thank you. That's all I had unless there's some questions about Adak in general I could answer.

CHAIRMAN OLSEN: I don't know. Just some things come to mind here that I certainly did not totally agree with how they handled the Hagemaster issue. I certainly hope that this doesn't come as another brotherly issue in the same respect. I think one question that does come to my mind is where does the responsibility lie? Was it within the Navy that they're requested those animals to be transplanted to the island for their use or was it another entity?

MR. TUTIAKOFF: Yeah. It was requested by the Navy for recreational purposes to keep -- you've got 5,000 people there and there's no other outlet, you know, for hunting and fishing. There is a lot of fishing going on, a lot of sports fishing there. But, for the hunting purposes and providing meat to the -- because they have their families there, a lot of them have their families there also.

CHAIRMAN OLSEN: Yes. And so certainly I feel that they should be involved in this responsibility issue. I know here today as we look around our lands here in Kodiak we are still trying to determine the remnants left over from World War II and processes that were brought here and never cleaned up again. But, I am only guess I'm saying that, I hope we don't run into another Hagemaster issue. That I feel that this can be resolved in other manners, but thank you, Vince. Is there anybody else that has a question?

Hearing none this takes us to the Izembek National Wildlife Refuge and at this time I'd like to call Greg, if he would please come up and give us a report.

MR. SIEKANIEC. Thank you. Chairman Olsen. Members of

the Council. As Mark indicated I'm Greg Siekaniec, Refuge Manager, Izembek National Wildlife Refuge, Cold Bay.

Since our last time we met in King Cove we covered a lot of ground on the status of the caribou herd over there. Unfortunately, I have very little new information on it. We have not received enough snow to do an adequate winter survey to get a real sound population estimate, so we're still basing it off of our summer estimates which I would quickly go over just to refresh your memory.

A year ago census we had approximately 1,800 animals in the herd. We had a real good -- what we felt was a real good winter census, good adequate snow cover. The herds were readily visible.

In June of this year, our mid-summer count, of course, we come up with 1,400 animals. That did not take into account the population on Unimak Island which we're estimating at less than 100 animals right now.

And, of course, through June September we monitored several of these animals by way of radio collars. We have a number of cows wearing radio collars. Our calf survival rate for the year ended up being approximately 12 percent. We have now run fairly low calf survival for approximately five to six years. We did bump up to around 20 percent, I believe in 1993. Otherwise, we've maintained a very low calf survival rate over a period of years.

That is the real basics of where we are right now with the caribou herd. What we're seeing this year along with the lack of snow conditions is the herd is tending to stay farther north than they usually do. We've have a few hundred come through and move all the way down to the southern tip of the Peninsula. Primarily the rest of them seem to be staying actually closer to their summer range. I'm sure that it can -- it changes in a hurry, we get a good snowfall or something, they'll start moving around.

As I said that's, you know, very little new information

but do you have any questions regarding that information?

Mark, I Believe I did send you the Caribou Management Plan you had requested. Just to make sure you did receive that.

CHAIRMAN OLSEN: Yes.

MR. SIEKANIEC: Okay. Any questions along that line?

CHAIRMAN OLSEN: I personally do not have any new questions. If we have no new information, of course, my interests here are to feel that we did have an adequate count and survival rate pertinent to the resource.

MR. SIEKANIEC: Okay. Again, the mid-summer or the post calving count was done with a helicopter and again, in the traditional area, so we're fairly confident we have a pretty good estimate of what the population is based off of that.

Of course, you know, there's always a few outlying animals and so on, can be adjusted accordingly, but we -- as you probably read out of the Caribou Management Plan ideally we're trying to manage for a herd of between four and 5,000 animals. And we had in the plan that when we hit the level of 2,500 animals, of course, that was our threshold level at which we close the season to all take. And being the popl- -- and I believe that first happened in 1993 that they dropped below the 2,500 animals. And, again, with us now being between the 14 and 1,600 animals we are recommending that the season remain in a closed status to allow the herd an opportunity to reproductively reach its potential and come back up into our goal of four to 5,000 animals.

CHAIRMAN OLSEN: Greg, my question here would be certainly you have identified the range that is acceptable to management. At what point -- at what number does on the scale of subsistence priority as to whether that's taken into consideration or not, as I understand it, first are commercial use, our sport use, and then last of all our subsistence harvest will be cut out. As looking at this desirable sustained number of 2,500 is there any numbers that -- or any way you determine when does it shut off to everybody? When does it open to subsistence? When does it open to sports hunting?

MR. SIEKANIEC: At the 2,500 threshold is when the animals first become available to subsistence use. And I don't believe there is any number specifically stated that at 3,000 they begin to be utilized by other than subsistence hunters, go to sport hunt or whatever. I guess those parameters, I don't believe, are put into there. Other than very clearly that at 2,500 the first user of concern is the subsistence user. Does that answer your question?

CHAIRMAN OLSEN: Yes, slightly somewhat. I

MR. SIEKANIEC: Somewhat.

CHAIRMAN OLSEN: guess since we're now in a time of hard numbers and there so much dispute going on amongst other resources as far as allocation, it seems to me like this is just another issue of getting ready to ripen up for when does it open to sports hunting, at what count? Do you feel that has not been addressed?

MR. SIEKANIEC: That's correct. That has not been addressed in the Caribou Management Plan.

I would say that from our standpoint we would see what kind of use was being utilized -- or what kind of take was being -- is occurring on the herd once we get to the 2,500 and we start allowing subsistence take. And as the numbers start to climb, you know, the dynamics of the herd, has the herd suddenly turned around in such a way that the numbers are climbing rapidly on a yearly basis. And it looks like it's going to start overshooting even our goals, which typically happens in caribou management herds or in herds that are managed, you know, as to when you can start allowing the harvest to take place and then, of course, the harvest grows at rates appropriately with the herd.

If you can start allowing more than one animal per hunter, you know. And I believe when it was shut down before prior to it being shut down, they were harvesting as many as five to seven animals per hunter in that area and they still

could not keep ahead of the decline of the herd. So the dynamics of it, I'm sure, will help dictate a lot as to what seasons are set on the herd.

CHAIRMAN OLSEN: Is there any questions here from Council as to -- of Greg?

MR. TUTIAKOFF: I guess I have a question, Greg. How many animals estimated do you have with collars, radio collars?

MR. SIEKANIEC: Okay. Right now as of last we had 15 collared females still alive. We initiated with 21. 21 as of June of 1994. By June of 1995 we had 15 of those still wearing collars that were alive.

MR. TUTIAKOFF: And you only do the females?

MR. SEIKANIEC: Correct.

MR. TUTIAKOFF: Thanks.

CHAIRMAN OLSEN: Is there any other questions here or Greg, do you have

MR. SIEKANIEC: Yes, Mr. Olsen, I was just going to say -- or Mr. Chairman, if we could discuss the proposal that's out there this would be a good opportunity for me as I'm only going to be able to be here for today. I won't have an opportunity to discuss the proposal, you know, tomorrow. I would yet this afternoon if it would come up at a different time.

MR. TUTIAKOFF: Mr. Chairman?

CHAIRMAN OLSEN: Yes, Vincent.

MR. TUTIAKOFF: I wold move to waive the order and pick up that item which is from -- is that the one from False Pass?

MR. SIEKANIEC: Yes, Proposal 28.

MR. TUTIAKOFF: Proposal 28. Waive the order so that we

can accommodate Mr. Siekaniec

CHAIRMAN OLSEN: Is there any objection? Hearing no objection we would gladly welcome to here your report now than not.

MR. SIEKANIEC: Okay. Thank you. From the refuge's standpoint, again, this proposal is to harvest a number of the animals that are in the Southern Alaska Peninsula caribou herd that typically calve in summer in the Black Hills, Trader Mountain area, the Caribou River area near Nelson Lagoon and then migrate down through the Cold Bay area onto the southern tip of the peninsula.

The refuge standpoint is that, of course, in staying in the guidelines of the management plan. In trying to achieve a minimum of a 2,500 animal herd prior to the subsistence take we would like to see that that management plan is adhered to. The process that put it in place was discussions amongst all of the communities down there during times when the caribou was starting to decline from the numbers of 8 to 10,000 which it had peaked at. Everybody recognized that having to stop hunting on a herd was obviously a very undesirable situation to get into, but at the time people also recognized that yeah, there will come a point where we do want to stop harvest on this herd and allow it to recover and to rebuild and to come back to a population estimate -- or excuse me, a population goal of four to 5,000 animals.

So I would just like to recommend from the refuge's standpoint that we stay within those guidelines and maintain the closed season on this until such time as we reach that 2,500 animal and we start to see the herd on a rebound.

Basically we're looking for the biological factors that we have a healthy reproductive herd, you know, that is successfully exhibiting its attribute of reproduction or production. As I said, basically it's the biology that's driving what we want to do with this herd.

CHAIRMAN OLSEN: Certainly I understand where you're at

there. I guess my question right now would be is there any indication that there's any illegal activity going on in that area? Has there been any prosecution? I'm just curious as to how the people of the area are handling this.

MR. SIEKANIEC: I think overall the people of the area are handling it very well. Has there been any prosecution? Yes, there has. Not by the U.S. Fish & Wildlife Service. Two people were prosecuted by the State this fall for take on the Southern Alaska caribou herd down near the southern end of the Peninsula.

As I say, overall in the Cold Bay area, Izembek area where I spend a lot of time I'd say that the compliance is very good.

CHAIRMAN OLSEN: Is there any questions for Greg?

MR. TUTIAKOFF: Yeah, Mr. Chairman. Since the people that are affected that are not here to argument their case other than having a resolution from the Isanotski Corporation which is the village corporation of False Pass they're requesting under the proposed changes, they're requesting under Unit 9(d) and Unit 10, caribou. All residents of False Pass and King Cove only one caribou per household with harvest quota in Unit 9(d) of up to 150 caribou. And a harvest quota under 10, Unit 10, of up to 25 caribou.

I think that those -- we've seen this resolution before. I don't know if you've address it before, Greg, but I've seen it before. And I'm maybe not -- I think it was requested by a private person at the time to open it up for one caribou per household when the initial order of closure was put out about two years ago, I believe, for subsistence use. How did you handle that process two years ago when it did happen? Did you allow them just the area of False Pass only

MR. SIEKANIEC: No, to my knowledge that was not -- it was not allowed to happen. They stayed within the guidelines of the management plan which called for the 2,500 animal threshold.

MR. TUTIAKOFF: Okay.

CHAIRMAN OLSEN: Yeah, I'm just only wishing that Gilda could be with us today as she is with the False Pass area and bring us knowledge from her people. Unfortunately, the weather once again played an intricate part in decision-making. I feel that she is not able to be with us due to the weather criteria getting out of False Pass.

Is there anything else there that Greg can answer for anybody? Hearing not, I thank you very kindly, Greg.

MR. SIEKANIEC: Thank you.

CHAIRMAN OLSEN: I also

MR. TUTIAKOFF: Mr. Chairman, I would like before we take action on this issue, maybe we can hold that action off until it comes back on the agenda so that if Gilda does show up we may get her comments on record.

CHAIRMAN OLSEN: Yes, Vincent, I totally -- I was not looking to take action at this time.

MR. TUTIAKOFF: Okay. Right.

CHAIRMAN OLSEN: But only looking to see if Jay might have an input here on this issue. Jay.

MR. BELLINGER: Mr. Chairman and Council, Jay Bellinger, the refuge manager from Kodiak National Wildlife Refuge. I don't have any comment on this caribou issue, but are we at the point in the agenda to cover the Kodiak work?

CHAIRMAN OLSEN: Yeah. I feel if you have nothing to do on -- or nothing to speak on the Izembek, I just wondered if there might be any other comment before we go on into that, Jay, on the Izembek? Hearing none I know we have only a short time before lunch and nobody likes to foul up that schedule. So we can if you wish start it now or take it up right after lunch. Whatever your desire, Jay.

MR. BELLINGER: Sure. I'll just jump into it. I don't have a lot of different items here to talk about, so I'll go ahead and go with it now if you want.

CHAIRMAN OLSEN: Thank you.

MR. BELLINGER: Well, Robert still isn't back from the refuge so, he's planning to talk about deer which has been a subject of interest this morning on Kodiak Refuge. We are involved in quite a bit of deer work. We did get the results of a master's project that we funded this year on deer on the Speardon Peninsula. I should probably try nad get a copy of that to the Council. It's interesting in regard to the foot habits that the deer use and movements and that sort of thing.

Right now with this hunt going on Council probably should know that we are planning to monitor it. We'll be using our Super Cub to -- I don't think the fellas were able to fly this weekend, but the first good weather they get we have to monitor the bears on the Speardon Peninsula that are radio collared and the bears on the Aliulik Peninsula that are radio collared, so at the same time they'll be able to cover the northwest part of the refuge, the Olga Bay part, Danger Bay, Sulua Bay, Aliulik Peninsula pretty much down most of the west side that's hunted for deer and the south end that's hunted for deer. And I've asked them to record snow conditions, what's going on with the deer, are they crowded into the wintering areas. We know where the wintering areas area. We've located them in the past during bad winters. Also get an idea of how much hunting pressure is going on and where it's going on. And then depending on how much activity we get we'll continue, say, a week between flights or whatever is necessary.

We've also -- our refuge boat is down on the east side right now. We're doing winter sea duck and sea bird surveys, but I've asked the crew on the boat the same thing, to monitor the winter conditions, the snow conditions, what's going on with the deer population in response to winter, you know, what kind of shape they're in. And also to keep track of hunting that's going on down the east side of the refuge. And we'll be getting

radio checks every morning from the skipper, so we do plan to monitor not only the hunting activity but also the response of the deer population's activity.

Robert, when he gets here, it'll probably be after lunch, but he can bring you up to date on a lot of the different kinds of deer work that are going on on the refuge.

As I mentioned already we've got the bear studies that are currently going on on the Speardon Peninsula and Aliulik Peninsula. The Speardon Peninsula animals were -- that's funded by the Kodiak Aquaculture Association where we're monitoring response of other wildlife to the Speardon Lake sockeye enhancement project. And so far we really haven't seen much negative or plus in regard to the bears as a result of that enhancement project.

We did have a small problem when the State required -- you know, the Fish & Game requested a barrier net on those fish for harvest because of all the problems the year before with too many boats in too small of an area. And so, in cooperation some of the commercial fishermen actually seined up and put the humpies over the barrier net for them so that the Native humpy run was able to continue even with the barrier net. So that worked out real well. I think the terminal harvest there went smoother this year than the year before.

The Aliulik Peninsula, we started out with subsistence money doing that bear study. The money dried up after one year. Now we're using cooperator's money. We get money from Safari Club International, Brown Bear Trust Fund, Wildlife Forever, I'd better not miss anybody in this, and the Fish & Wildlife Foundation. And everyone chipped into together to continue that study on the Aliulik Peninsula.

We've continued our bear stream surveys, aerial bear stream surveys. Mainly that's trend information on the various streams on the refuge. We did get some good information this year. You are all probably aware of the bear viewing program that was conducted at O'Malley Creek on the Karluk Drainage. We went in there with a camp on the mountain to analyze the impact that humans were having, human use of that system, on bear use

of that system, unrestricted human presence. And then we studied the impact of the human use on the stream. When we had the bear viewing program going on there on the stream we found quite an increase in bear use with regulated human presence in there.

We also did stream surveys the last year that we had the camp on the mountain so we could know site-ability or what it meant on the number of bears you saw in pass in an airplane. Well, this year we had total closure during the peak bear use time period on that stream. And we did the stream surveys again on bears. More than doubled the use of bears on that system even as compared to restricted human presence, so it has shown us a lot as far as how much impact we have on bears in that kind of a situation with people in there watching the bears and photographing them and fishing.

That leads me into a project that's been going now for about four years. We're still working on the river management report, trying to get that written up. And I've reported on it the last couple of years, too, where we've gone out, tried to get a handle on how much public use is going on on the rivers in the refuge in the summertime and what impacts that's having, if any, on wildlife use of those streams. And then also the conflicts between the users, the different kinds of public use going on out there.

Our public use has continued to increase. We have a lot of commercial operators on the refuge. Our permit load on commercial operators runs 110 to 130 permits a year. And it's all the different kinds of guiding, commercial fishing, setnet camps. So we do have a lot of commercial operators on Kodiak Refuge.

Rainbow trout survey. We started a rainbow trout survey of the refuge streams last summer just trying to get a handle on where we have resident rainbows and what the populations are doing because we've heard rumors that rivers like the Karluk that have been fished real heavy the last few years, that there's been an impact on rainbows there. But we didn't have any base information, so cooperation with our Fisheries Office

in Kenai, they started sampling all the streams last summer and will finish that surgery this year. So we'll be able to get some base line information on resident rainbow trout on the refuge.

I mentioned monitoring the Speardon and Hidden Lake sockeye enhancement projects. Been doing that in cooperation with Kodiak Regional Aquaculture Association and Alaska Department of Fish & Game. When those projects were proposed environmental assessment showed some potential problems and those have been monitored. And so far I'm not aware of any conflicts that have shown up in those studies, so those projects are being pulled off without problems on the refuge. So that's working out real good.

Robert's not back yet. I guess I will just wait on additional information till Robert gets back here. I'd just throw it open to some quick questions. I can't see the clock from here so I don't know how close we are

CHAIRMAN OLSEN: Yeah. We're right at the top of the hour, but I certainly will look for any questions that Jay might be able to answer for anybody that might have a question on.

I guess the only question I have here is your bear study, what time of the year does your bear study usually take place?

MR. BELLINGER: Well, they do different things. Part of it is productivity, so they try and -- the sows that are supposed to be pregnant when they went in the dens they try and catch them right after they come out of the den to see how many cubs they come out of the den with, to keep track of that sow later to see how many she raises that she weans.

Right now -- at different times of the year it's like sometimes the year they fly them every 10 days, sometimes it's once a month. I believe in the winter like this it's once a month. And they can check to see if they're active in the den, whether they've moved. This winter has been so mild that, I believe, they've had bears out of the den every flight they've

taken. So it's been one of the milder winters we've seen in awhile, but productivity, some population information, different parts of the habitat that they're using. Different times of the year -- that Aliulik Peninsula is different than a lot of the other areas that we've studied the bears. And finding out that they use pretty much the whole peninsula even for denning. We didn't think they did that before, but they're finding bears down there denning fairly close to sea level, just in hummocks and the tundra and things like that. So it's really been interesting.

Something else that's been going on the last few years is the cooperation with the National Biological Survey and ADF&G, we've been able to get some money to do some intensive aerial surveys of bears on different parts of the island. And Vic Barnes, the NBS biologist, research biologist, and Roger Smith, ADF&G's biologist, working together have been able to get a better handle on how many bears are out there in different places. And it's actually resulted in some changes in ADF&G's harvest. They've gone in some areas where they felt that their -- well, they found there weren't as many bears as they used to think. They've gone to requiring a minimum skull size by guide, guided hunters to try and reduce the harvest. And I believe that's been working fairly well. So we are learning more. You'd think that by now we'd know all there is to know about bears out there, but we don't. And we are learning more about how many bears are out there and what's going on with those populations.

CHAIRMAN OLSEN: As we talked about that Aliulik Peninsula there, I'm certainly aware of that there's a lot of wildlife in that area especially flying over it in a helicopter this last spring. I was very surprised to see the abundance deer in the same area. That kind of brings me a question. What -- how much do the bear depend on deer, say, for consumption? Is there any studies or any comparisons or any information where there might be a side to the story one way or the other?

MR. BELLINGER: Well, I don't know. Roger would be more up on anything, the literature. About the only thing we've got is what we see when we're out tracking collared bears and, of

course, like everyone knows the bears really key into the guy piles left over from hunting. And they like to steal deer meat when they get the chance from hunters. But I believe -- and all, in listening to the biologists when they're out tracking the most activity of bear on deer that we've noticed is during those winters where we had real bad conditions on the deer, especially,

I believe -- was it '89, the first -- the real bad winter we had, the first one, which started real early like the middle of November, we still had a lot of single animals out, not denned up, and they did see when they were flying some of the collared bears, what appeared to be kill spots in the snow. And the deer were just in real bad shape and, you know, they have a tough time getting around when they're -- when they have a real bad winter like that. And some bears were taking -- appeared to be taking advantage of that. They didn't -- couldn't land, but there was blood spots in the snow and it looked like it was more than them just picking up dead deer.

But of course, they do really take advantage as do our eagles when we have winter kills, big winter kills of deer. We've seen direct response of eagle production in those years when we had the bad deer winter kills.

So I don't know that the bears have really, you know, taken advantage that much of deer as a food source except that they're just opportunists when it comes to food. Whatever's there it's handy, they'll definitely find.

CHAIRMAN OLSEN: I see Robert has made it back. And I think there's a little more discussion than we care to get into to our lunch hour. But I would gladly like to call on Mr. Stovall after we receive our lunches. So at this time I would like to have this meeting to -- on lunch break and to reconvene at 1:30.

(Off record)

(On record)

CHAIRMAN OLSEN: At this time we would like to re-call this meeting back to order. Prior to our lunch break we had just heard from Jay Bellinger of the Kodiak National Wildlife Refuge. I feel at this time -- did Robert Stovall have a report to give. If he would, please? Is he

Okay.

MR. STOVALL: Robert Stovall, I'm with the Kodiak National Wildlife Refuge and a deer biologist. I just want to - - I don't know what type of information you want, so I'll just give you an idea what type of refuge deer management activities we've been doing.

Primarily we've been doing deer mortality surveys since 1992 along areas on the refuge. And one of the areas that we do in the refuge is in cooperation with the State. I summarized that mortality survey data and have produced a report from that. And that can be supplied to Council members if they'd like to see it.

Every year the refuge does a deer hunter checks and in the first two weeks in November. And this year we contacted about 129 hunters mostly on the west side and they had harvested about 189 deer.

The designated hunter permit system this year had 36 people from the refuge office sign up, 11 from the six villages, that would be a breakdown roughly of Old Harbor with 11, one from Akhiok, one from Ouzinkie and one from Larsen Bay.

For the special deer hunt we've distributed about 200 permits to the six villages and at the refuge office we have given out 57 permits so far. And we've had an additional five more sign up for the designated hunting program.

I haven't really gathered enough information to say what the deer population is on Kodiak Refuge, but we are -- we do do -- we have been doing some aerial surveys. We're looking at different technologies to assist us, deer counts. And that's an ongoing process. We're also probably going to start doing a little bit more habitat analysis of the wintering areas for deer in the future here.

Do you have any questions?

CHAIRMAN OLSEN: Insofar as you have commented here on the report not as of yet, Robert, I guess the only additional questions I might have is the questions brought up this morning during public comment as to the stress on the deer. Certainly I hear that, but I am also very aware that any time a hunting season is open there is stress on the herds. Does the Department do any research as to the condition of the deer as to their counts or anything of this nature that would -- might help us on any insight with these different things alleged such as stress on the deer?

MR. STOVALL: A simple answer is no, we haven't done any research. And we haven't gathered any information on stress during hunting on the Sitka Black-tailed deer here on Kodiak Island. Like the folks who have testified, there are probably quite a few papers on the subject, whether those papers have been done on the Kodiak Island area I'm pretty sure they haven't. The only research really been completed that I'm aware of is the most recent one that Jay spoke of earlier with the habitat utilization of the Sitka Black-tailed deer on the Speardon Peninsula area.

Some of the habitat work that we're trying to get started with might give us an indication of deer condition a little bit better especially on what type of forage they're using and the locations of the browse and the condition of the browse itself. That speaks to the ability of the animals to handle the stress. So the short answer is no, we haven't really done any research on that.

CHAIRMAN OLSEN: The second part of my question here would be as your surveys look at mortality rate is there any indication as to what months, maybe, of the year that we have our highest mortality, of course, given the conditions is always the biggest criteria. Do you find any other contributions to the mortality other than weather?

MR. STOVALL: Most of our mortalities, probably 99

percent of them are of starvation. There are a few carcasses that are found that are most likely deer hunter and then there's a few that are unidentified, but very very few. Most of the mortalities that we check are -- have had some type of starvation observed within the bone marrow and that's how we kind of gauge the amount of starvation by the coloration of the bone marrow, at least that's how I've been doing it. And most every deer has had some type of starvation going on on it.

CHAIRMAN OLSEN: I guess the reason my question was that, was that certainly during our herring season last year when we spent a lot of time in the plane searching for herring I noticed more deer carcasses than I had ever seen in my entire existence here. I just was curious as to whether -- what made we see more, was there really more.

MR. STOVALL: I can't really answer why you might have seen more. I take it you were doing that in April?

CHAIRMAN OLSEN: Yes.

MR. STOVALL: Yeah. April is our -- late March, April and May are our primary times to do the mortality surveys themselves, so that's when we're finding the carcasses also mostly. One year we did try to go and look for carcasses in February -- January, February, March and it just happened to be the year that was the least amount of carcasses found for the whole time we were out there, so needless to say, we didn't find any carcasses. The weather was the mildest that winter.

The -- and the weather does kind of indicate exactly when the mortality might be happening, but we haven't got enough data yet to give you an answer as to when the mortality is happening. We just know that for the most part we can find it in April when the snow is off the ground.

CHAIRMAN OLSEN: Right. I guess what I was trying to focus on was does a lot of this mortality happen during the regular hunting season or after. I know it's hard to tell, but I just wondered if there was any indicator that might give an idea as to how long has, you know, the carcass been on the

ground.

MR. STOVALL: There's not a lot of good indicators for that. We can tell carcasses that have been on the ground for a year versus carcasses that have been on the ground for three or four, two or three or four or five months. But, the obvious differences you can tell. The weather has a -- once again, the weather plays a major factor in both the timing and actually where you're going to find them at as well as how many there's going to be. That's from -- that's my best guess that I can give you from what data I've collected so far. I could say other things but I'd be speculating.

MR. EVERITT: Robert, from the proxy -- amount of proxy hunters it doesn't seem to me that we have a major concern that those were over-used even in spite of the winter weather. Just the people that applied, do you see any negativeness toward that proxy system in the numbers or did you feel comfortable with the amount of people that you have participating in that program?

MR. STOVALL: I guess mine is not to reason why. Primarily the proxy hunting -- the designated hunter permit system that was set up was used sparingly and that's probably the case for most systems that are brand new. From the proxy hunters that I've been able to talk to here recently and as they were picking them up, they're very glad to see the program and we're glad to participate in it.

MR. CHRISTENSEN: Robert, Mr. Chairman, I just have one question. Of those -- did you say there was what, 11 issued for as far as designated hunter, 11 or 13. You said there was 11 from Old Harbor, one from -- can you say that again?

MR. STOVALL: Yeah. 11 from Old Harbor, one from Larsen Bay, one from Akhiok and one from Ouzinkie.

MR. CHRISTENSEN: Okay. Now, how many of those permits were actually filled?

MR. STOVALL: I honestly don't know that because the information, the report itself doesn't come to our office. It

comes to the Subsistence Office in Anchorage. And I don't think they've finished summarizing the information. They haven't received them all probably yet either.

CHAIRMAN OLSEN: Last week I received a report from the State on the different populations, deer being one of them as far as subsistence goes. Certainly that survey showed me almost everybody contacted utilized subsistence in one manner or the other and greatly so on the poundage per capita basis.

I also noted in there that the sharing was almost 90 percent. I know that there's been a basically road system survey done not too long ago, maybe last year or the year before, by the Fish & Wildlife Service. As far as I remember on other reports given they were pretty much similar. Do you have any comment, do you agree or is it in the ball park when we get this information I'm trying to in my own mind to say how accurate is it?

MR. STOVALL: I don't know how to comment on that.

CHAIRMAN OLSEN: I guess it was in reference to designated hunter, those that utilize and report versus those that don't. It's always been a challenge to try to get more information and statistics on subsistence use. Certainly with designated hunter in that is part of the sharing program. I guess what my question might be how accurate is the survey? When I say just about 100 percent of the people surveyed, yes, the utilized the resources for subsistence. I'm trying to find out how the Fish & Wildlife could compare that with their analyst and their reports?

MR. STOVALL: Are you asking

CHAIRMAN OLSEN: I'm basically looking at deer for this moment.

MR. STOVALL: And you're talking about the reporting systems being ones that the State has done or is done with deer in the past

CHAIRMAN OLSEN: Yes..

MR. STOVALL: or present and future versus what the Federal government has been doing with it?

CHAIRMAN OLSEN: Right. When I look at this here and especially the special season being opened and you gave the number of permits that were issued for this. It certainly once again to me shows me that these deer are being utilized. And I'm just trying to get a consensus here do we -- how do we accept these reports? I guess it's not a very direct question. I don't know how else to put it, but to me all indication show that yes, subsistence is still being addressed with the last State report. I didn't see anywhere where anybody didn't -- contacted didn't utilize subsistence.

MR. STOVALL: I don't think the parts are purely just utilization. They also deal with numbers of animals. I mean from my standpoint as a biologist I'd like to know how many animals are being harvested. The State has a system of harvest survey reports, questionnaires, for deer at least. And that's very, very helpful and gives me an idea of who's harvesting it and an idea of how many are being harvested from specific areas. The ones, of course, that interest me are the ones on the refuge.

CHAIRMAN OLSEN: Uh-hum.

MR. STOVALL: And the State subsistence surveys that they've done in the past gives relative numbers according to what was gathered. And it's just another indicator of how many animals are actually being utilized from a management standpoint.

MR. MORRISON: Mr. Chairman, if I might make a point here, I'm John Morrison, Department of Fish & Game. The State proxy system is more restrictive in that people who get the permits have to be either over 65, they have to be physically incapacitated or blind, which puts the recipients of those kind of permits in a different category than the Federal designated hunter system, which is not so restrictive. So it would be kind of difficult to compare the results of the two, but I will say

that the State information showing a high incidence of use of the deer for subsistence is pretty much directed by the control that's put on the users of the permits.

Thank you.

CHAIRMAN OLSEN: Thank you, Mr. Morrison. I guess when I look at this, I can take, for example, kind of what I had said before the Akhiok on -- to get these permits you must hold a current Alaska hunting license. Whereas a village might report, well, we're getting a Federal permit to hunt these deer on these openings, but now we're restricted again because it requires a State Alaska hunting license, which brings us back to the issue, are these people going to fly back to Kodiak to get a license so they can get a permit for Federal lands? Here, again, I'm only trying to avoid prosecution to the innocent that are living the subsistence lifestyle.

MR. STOVALL: Did you want me to respond to that?

CHAIRMAN OLSEN: Well, I guess it's -- the real -- I agree it's even hard to put the question in a direct question. I'm only trying to get an idea of how comfortable to feel with the statistics knowing that the greatest part of the subsistence does not report statistics. Do you feel that

MR. STOVALL: I understand what you mean. Yeah, I -- that's why all the information I can get from whatever source whenever I can get it is going to be helpful for managing the deer population.

CHAIRMAN OLSEN: Does anybody else here have a question for Mr. Stovall?

Thank you, Robert.

MR. STOVALL: Thank you.

CHAIRMAN OLSEN: Okay. As we look at the agenda here, were are under Number 7 A of 5, Other Federal Agencies. Is there any other here from the National Park Service, BLM, BIA,

that we have missed? I don't recognize any of the Kodiak entities or the Aleutian area entities as any reports. I believe then hearing none we should move on to the Alaska Department of Fish & Game report here. I apologize for Alaska being deleted from the Department, so John.

MR. MORRISON: Thank you, Mr. Chairman. Once again John Morrison, I'm the State/Federal regulation coordinator for the Department. At this particular time we have nothing specific to say in the way of an overall picture what the Department's doing. I guess you can say we're in kind of a holding pattern in as much as there are so many unanswered questions going on in the Legislature right now as to our future. They are talking about our budget and there's also some proposed laws that would affect us pretty seriously.

We're waiting for the judge's decision on this Katie John case and the other actions tied to it to see how that might effect our future operations. We got some new Board of Game members that we'll need to first off see if the Legislature approves them and secondly, then, what difference that makes in the future actions of the Board. We got a public referendum on wolf control or aerial -- same day aerial shooting that we'll have to wait and see what comes out of that. And the Lt. Governor's report on trying to solve the subsistence issues still needs to be resolved, we'll make another comment about that later when it comes up on the agenda. And we'll also have some further comments to make on the specific proposals.

More specific topics or comments related to Kodiak itself, we have with us today Craig Mishler from the Subsistence Division who will make a comment about the marine mammals and will be available to answer any questions. And likewise Roger Smith is with us and will also be available to answer any questions that you might have about the Department policy or procedure here in Kodiak, so, Craig, do you want to come next?

MR. MISHLER: Yes, good afternoon. I thought that even though some of our work has been a little bit out of the jurisdiction of this Advisory Council, some of our research and activities are very germane to the nature of subsistence in the

Kodiak and the Aleutians and I thought I would mention a few things that are going on.

We just recently mailed out summaries of our three year comprehensive subsistence harvest surveys in Kodiak communities, this is somewhat of a digest of the thick reports that came out last year and we've reduced those to about four pages and have mailed them out to everybody who was interviewed for subsistence in the villages and those people, there were about 170 in Kodiak City that were selected through a random sample. And those summaries are available to anyone who wants them. And we have a good number of extras.

There's one summary that is comprehensive for all the study communities in the oil spill area, there were about 20, I think. And then there's one that specific to each community in the Kodiak area. And some of those are multiple year studies, we did three consecutive years, '92, '93, '94 -- I'm sorry, '91, '92, '93 in Larsen Bay and Ouzinkie. And then we Old Harbor in 1991 and we did Port Lions in 1994 and we did Akhiok in '92 and so we thought we had good coverage, although we concentrated the study on those communities that were -- seemed to be most heavily impacted by the spill, which were Larsen Bay and Ouzinkie. So those are available and we're going to try to make a full set of those available to the Council and to the libraries and to Kodiak Mayor and hopefully we'll get a little bit of wider distribution.

We just also came up with a Technical Paper 236, which is on the subsistence use of harvest seal and Steller sea lion in 60 coastal communities throughout the state, including all the Kodiak communities and that is a handy summary because it's -- it's the third in a series and the fourth one is under preparation now, but this third one had the comparison of the harvest of both species for all three years of the study, so you can see whether the harvest of these animals are going up or going down or staying about level. We found that statewide some communities have gone up and some have gone down, but overall the statewide harvest of sea lion and harvest seal has stayed about the same.

We've also released a little piece of computer software called Whiskers, which is based on local knowledge that we collected from subsistence hunters, active hunters and elders in all of these same communities and that's available free to anyone who would like to have a copy. It'll run on any Windows or Windows 95 compatible computer. And it's pretty handy because you can do searches by topic or by community, any word that you would like to search for in there. You can see what was said about blubber or about a community like Larsen Bay or Akhiok and see all the comments that came from subsistence users in those communities about population trends, about hunting methods, about recipes, it's pretty comprehensive. And we're kind of happy to have that out.

And also we released a harvest seal informational video that was prepared to communicate what the biologist are doing in their research to subsistence users and explain their techniques and methods for evaluating the population declines in the harvest seal population and that's available free. I think each tribal council got a copy of that and if there's a request for individual copies we can make those available to at no charge.

In this past year we started a harvest seal bio-sampling program and training in the Aleutians and Southeast and Bristol Bay and this is an attempt to try to resolve what the issues are in the declines of harvest seals throughout the Gulf of Alaska. Stocks seem to be very healthy in Southeast and in Bristol Bay, but in the Gulf, and particularly in Kodiak, there's been very, very, severe declines in harvest seals. And one of the methods that we've decided would be very effective would be to bring subsistence hunters into a partnership with the biologists and so there's been Kate Wynn who's here with the Sea Grant Program at the university. And Vickie Vannick who's with our Division, have been doing trainings in the villages, I believe, Vince Tutiakoff was one of the trainees, and shown how to collect samples in a scientific way and preserve them and ship them to labs for analysis.

And these are not any kind of a bounty program, but hunters are compensated modestly for gathering the samples and we're assured that the results will be coming back forth-- in

a timely fashion. And this is funded by the National Marine Fishery Service and the program is ongoing. Kodiak presently is not included in that program, although there are requests from Kodiak communities to be part of it, they certainly will be considered for inclusion in the coming years.

And in connection with that bio-sampling program we're producing a videotape, it's kind of a refresher course for those who've gone through the training to remind them of what the procedures are. They're fairly elaborate, collecting parts of internal organs, like heart, liver, kidneys, reproductive tracks. Also taking samples, tissues samples, of the meat and blubber. Measuring blubber thickness, measuring overall length and girth of the animals and there are animals that are to be taken in the normal course of harvest. It's not a program to encourage extra harvest since the species are in trouble. We're interested in just looking at animals that hunters would normally take.

So those are some of the things that we're doing. I realize that this Council is addressing primarily terrestrial mammals, but since those of you who do subsistence live off of everything I thought that maybe you'd be interested in knowing about the marine mammal work that we're doing.

That's all I have unless there are questions.

CHAIRMAN OLSEN: Yes, Craig, I don't know, I hope you can answer this for me. As I look at this last survey it certainly had a lot to do with subsistence pre-oil spill, post oil spill and things of this nature. Was this survey done -- I believe done by ADF&G, was it sponsored by any oil spill, Exxon or was this paid for with State monies?

MR. MISHLER: It was paid for by the Marine Mammal -- I'm sorry, the Minerals Management Service, it's part of their offshore oil development impact study as to what kind of impacts there would be on coastal communities. It started before the spill took place. At the time it was called a social indicator study and when we took it on, we kept part of that on, we called it the social effects study, and we asked the individual

households whether they favored offshore oil development and offshore exploration and things -- we asked them about what they thought the impact of these developments would be on subsistence, so that's a whole separate section of the research. But in addition to that we did our usual comprehensive survey on which species were utilized and what quantities were taken.

CHAIRMAN OLSEN: The other question I had, and it give me a lot of grave concern, as probably as much as you have worked for the State is where we are with the funding. It seemed to me, and it has been in the newspaper here several years ago, that there was no money for the Subsistence Department and, in fact, they threatened to even close it a couple of years ago. To me that has grave concern for the subsistence user. Is there anything that can compel us to feel better that there is adequate work being done, realizing that funding is dwindling for everybody, but I'm concerned that they want to cut out the Subsistence Department totally. That doesn't give me comfort at all.

MR. MISHLER: Well, as you know, subsistence has always been a political football and it's just a matter of all the divisions in the Department have been taking cuts. We've suffered about five percent cuts each year for the last three years and I'm sure most of the other divisions have also. So it just a matter of what's decided in Juneau as to where the funds are appropriated and every spring, in April and May, we start getting nervous about whether we're going to be around for another year. And I just can't say any more than it's totally out of our hands as to whether we exist and continue our work or not. Right now our general program funds are severely reduced and we depend heavily on contractual agreements with the Federal agencies to do what we do.

CHAIRMAN OLSEN: So I guess -- not to put you on a spot, but I guess I must ask, do you feel comfortable that you are able to get all the information you need with the budget you have?

MR. MISHLER: No.

CHAIRMAN OLSEN: Thank you. I didn't mean to put you on

a spot.

MR. MISHLER: Maybe Roger would like to

CHAIRMAN OLSEN: Roger, would you -- do you have a report for us?

MR. CHRISTENSEN: Excuse me, Mr. Mishler, a couple of comments I wanted to make and also just clarify a couple of things. Is it true that the Steller sea lion is approaching the endangered species stage status as opposed to threatened?

MR. MISHLER: Okay. I just attended a meeting of the sea lion recovery team last week in Anchorage and the gist of it, again, this is a highly politically charged issue because of the impact on commercial fisheries and in our present understanding is that the National Marine Fishery Service, which is the managing agency has been instructed not pursue an endangered listing at this time on Steller sea lions, that the recovery team did pass a resolution that this take place with the western stocks of Stellers which is, I believe, west of 144 degrees longitude, that would be west of Cape Yakutat going through the Gulf and the Aleutians. And that stocks in Southeastern, which are east of 144 degrees longitude are not endangered, but there probably will be no action on this until the next congressional election and the next presidential election, we think. So the biologist and the representative on the recovery team think that populations have continually declined to the stage that they should be listed as endangered, but this probably will not happen in the current political climate.

MR. CHRISTENSEN: Okay. That partly answers my next question. Now, if they do happened to put the Steller sea lion on the endangered species, can they put part of the population endangered and the rest of them, like east of the 144 longitude as threatened? Because, like, say down in California, you know, the stocks are increasing so I was wondering, you know, if you put the Steller sea lion on the endangered, is it throughout the whole west coast or can they just part of them on endangered and part threatened or how does that work?

MR. MISHLER: Yeah, they can list them separately if they can establish that genetically they're different stocks and they can, by looking at the DNA composition of the animals they can determine or have already determined that these are discrete stocks. That there might be some intermixing, sea lions do travel long distances and they haven't totally disproven that the animals have moved south, but the samples that they've taken they seem to not interbreed. And on that basis they've isolated two stocks and already managing them differently.

MR. CHRISTENSEN: Yeah, I see, okay. Probably more of a comment rather than a question, but I've noticed that -- personally I've seen a direct correlation between the pollock fishery and the depletion of sea lions, so -- but this is a personal view and -- well, all my life, you know, I've been a commercial fisherman and hunter, subsistence fisherman and hunter and also a sports fisherman and hunter, so sometimes in these different meetings there you got to wear a different hat, you know. So as far as subsistence right now I -- my personal feeling is that it's been the commercial pollock fishery that's depleted the sea lion as much as anything.

And I've also noticed with this -- the decline in the harvest seals that that seems to be in correlation with the heavy fishing on cod, especially in the bays within recent years and I'm just wondering how much studies has that been on the harvest seals?

MR. MISHLER: Just to relay -- this may not be a very conclusive response, but one of the University of British Columbia biologist, Andrew Trite (ph), said that they had been working with sea lions in captivity and they've been looking at how their weight and nutritional status varies depending on what they feed them. And so far they've concluded the sea lions that eat pollock do less well than those that eat salmon and herring and that's just a few animals looked at in captivity, that's not animals in the wild, but for what that's worth I don't know.

MR. CHRISTENSEN: Well, I'm not here to argue, but thank you.

CHAIRMAN OLSEN: Thank you, Craig.

MR. SMITH: Yeah, I'm Roger Smith the area management biologist, Division of Wildlife Conservation here in Kodiak. I don't have a formal presentation. I can give you a little bit of background on the harvest tallying that done by the State and maybe a little bit of my observations on the mortality question that Mark asked. We do 100 questionnaire on an annual basis based on the harvest tickets, people that are issued harvest tickets, and we sample roughly a third of the people in the state that get harvest tickets with a formal questionnaire. We've been doing this roughly on an alternate year basis since 1984 and for the -- roughly the last five years we've -- maybe a little longer than that, we've done it every year.

And from that we extrapolate, which means -- it's a technique similar to polling, statistical technique wherein we estimate the number of hunters and the harvest by area and by sex. I feel this is a fairly accurate technique, we've made some improvements on it over the years, we sent out two reminder letters to people that do receive the questionnaire and we have a fair bit of confidence in, at least, whether or not there's an increase in the harvest from year to year. And this is the most important tool that we have for measuring the status of the population. The sex ratios of the harvest in the various parts of the island. How successful hunters are, what percent of the hunters get deer, what percent of them -- or what the average number of deer taken.

That's where most of our efforts go into. We don't have much money allocated to research on deer, either here or in Prince William Sound. We do do some winter mortality surveys which I think Robert or Jay mentioned earlier. The Division of Subsistence samples the villages at a much higher intensity, the 100 questionnaire that we use does not sample at a high enough intensity to tell you a lot of information about how many deer were killed on a specific ridge or how big the harvest was from a real small area, say, like Akhiok. But it does give us a good idea of what the harvest is, say, in the southeast corner of Kodiak compared to Afognak and we have, you know, roughly a 15

year history of comparative harvest statistics, so we can see some trends.

On your question about mortality, when does mortality occur and under what circumstances. I've seen winter mortality happen here as early as late October and right on up into as late as June. It has a lot to do with the snowfall patterns, when it occurs, how long it lasts, and you can tell something about the ages of the carcasses by how intact they are when you actually go out and find them in the field. If they're not intact and you just find scattered bones and hair, probably the mortality happened earlier in the year. If you find the carcasses fairly well intact and still with red meat on them, clearly it happened late in the year and we do see those differences from year to year.

In terms of stress, stress on a critter, there is a lot of research done on it in various areas, I'm not really up on it. I have made a number of observations here over the years, I've seen deer stressed by dogs chasing them and that sort of thing. I've also seen a situation back in '87, winter of '87/88 when we had a big snowfall in late November, I don't know how many of you remember that, but it was an exceptionally high snowfall and deer came down to the beaches in large numbers and as least one person out in Uyak Bay said that he observed deer die right on the beach within 48 hours, primarily stress related. I mean they weren't -- that they were in bad condition, but the stress of the snow and the crowding, deer actually died that fast.

My observation on snow, if you get snow up in the two foot deep vicinity, foot and a half to two feet, you're going to see mortalities in fawns within two weeks or less and, you know, it can vary that way.

That's about all I have to say. I'd certainly answer questions at anytime during the meeting or -- or anytime.

CHAIRMAN OLSEN: And, Roger, if you will, I guess I feel compelled to ask the same question I asked Craig. Do you feel the Department has the tools, the money, the budget to

accomplish your desires?

MR. SMITH: I would say in general, no. Frankly it took many years for me to convince my crew that we even really needed to worry about managing deer. We didn't even do a -- like I said, we didn't do a harvest question even on an annual basis. And it took some doing to actually get an annual hunter harvest survey built into our annual budget, so it was something we did every year without the biologist in Cordova and myself having to fight for it every now and then. But our budgets in general are not real rich and deer have to compete with species like moose, caribou up on the mainland, where there are many more hunters that impact them and where, frankly, the capabilities of hunters to really effect the population in a short time are there, so, you know, I certainly don't have as much money as I would like to spend.

On the other hand, I think our hunter questionnaire combined with our mortality data gives us enough information to manage in general, to pick up trends in the population. It does not give us the kind of information to look at, say, Hidden Basin or look at Raspberry Island and say that the population is down there, but up in Hidden Basin we don't have that specific information.

So that's about all I have to say on that.

CHAIRMAN OLSEN: Yeah, I guess I'm not here to ask that question, certainly to take away from the Department, but just only hoping that throughout our state that people hear the outcry and know that we need funding to have these studies done. So unfortunately as humans we wait until we are losing a resource before we put any intensive studies into it, I personally feel. As we talked about, say, the sea lion, how they are able to study the DNA to see what they eat, what to do better. I feel this should be available even to something like deer species as to what happens to them.

For instance, we know they come down to the beach under heavy snows and that's where they seem to end up. I see the carcasses floating along the shores. I've heard that it has to

do with their change in diet down to the beaches. Is that something I should accept? Do you feel that's in line; the information that that happens, that they're feeding is disrupted and -- I just don't know quite how to put that.

MR. SMITH: Well, to get back a little further in terms of where we allocate our money in doing research, deer fluctuate a lot down here with the weather. And hunting pressure at the levels we've experienced in the last few years, with the exception of fairly accessible areas probably does not really regulate the deer population. Now, that's not the case with some of the other species that we have here, elk and bears, for instance.

And so if we look at a cost benefit ratio type of analysis, which we recently did at one of our staff meetings, elk, for instance, we looked at what we spend in terms of staff time and hunting on elk here, per animal harvested and it runs somewhere around \$135.00 per elk. And as I recall the figure for deer ran about -- it was between \$1.00 and \$2.00 per animal harvested. But we have to look at how sensitive these populations are to overuse before we decide how to allocate our dollars. And when I say we, I'm talking about people above my level as well as myself, how I allocate the money I do have here.

CHAIRMAN OLSEN: Vince.

MR. TUTIAKOFF: Yeah, Mr. Chairman, I have a question. I don't know that much about the deer population, you know, hunting and stuff like that 'cause we don't have that happening out on the Chain, but I guess the question I have is, how do you determine death of a deer by stress or how do you determine that if you see animals on the beaches, on the hillside, whatever, dead, you determined the died by stress or do you contribute it to food, lack of food, or eating the wrong food, or do you call that stress? I mean, that seems to be the main point of argument here.

In our discussions this morning stress was used several times as to by the many people that made comments, public

comment, and I'm having a hard time determining how they determine death by stress. How do you know that?

MR. SMITH: Well, being short on food and subject to cold temperatures and snow, all those things are stress on the animal. They're things that make the animal use more energy and use it at a more rapid rate. And winter is more stressful just in the fact that the animals are -- have to deal with colder temperatures and they're, in some cases, if they have snow then there's a barrier, a physical barrier for them to get through to reach snow (sic). These animals in the winter relying to some extent on their fat reserves and the later you get into the winter the more fat reserves are exhausted.

In terms of when we find a dead deer to determine what kind of stress that animal died of, you know, I can't tell you whether a dog chased it or a hunter chased it or why it died. The only thing we can do is to look at some physical part of the animal, usually we break -- like I said, Robert, I think explained breaking a bone and looking at the condition of the bone marrow. That's a good indication of whether or not the animal was in good condition in terms of was it well nourished when it died. If it was well nourished when it died, it has nice yellow marrow then probably it died of an accident.

(Indiscernible - cough) lost over the hunting season, if the marrow is very jello-like and thin and red, then odds are that animal was very stressed as far as nutrition it was a hungry that died of malnutrition. That's an assumption that we make when we look at those, we can't do an autopsy on it, you know, there's not enough left of them.

CHAIRMAN OLSEN: The implications I got this morning on that stress were of human stress. Do you buy that?

MR. SMITH: Well, I buy it in that the State raised that issue in regard to this particular hunt and any time an animal is nutritionally stressed then any other kind of stress is going to be, you know, that much harder on it. I've watched, particularly around town here, seen animals that got into traffic and got into peoples' yards or were chased by dogs and

some of those animals didn't appear to be injured and some of them recovered with some care and some of them died of shock, no always in that poor physical condition, just looking at them grossly.

So I would say that if you have a heavy snow condition, you got a lot of deer real low elevations and they're forced to expend more energy than they would have to if they weren't being chased around, well, yes, you have good possibility of some additional mortality. If it got lots of escape cover, very little snow then they may not be stressed as much.

CHAIRMAN OLSEN: It's just been my observation so far that easy access areas tend to give you the stress implications or the scared or what have you, but hike back farther in the hills I've been able to walk right and almost feel guilty shooting them because they show no signs of stress. So I just wonder how these -- the information is gathered? Certainly everybody hunts usually in the easy access, so we tend to judge the population through this easy access rather than against the majority that might live way back inland. That's just my personal observation, do you feel that there's any merit to that?

MR. SMITH: Well, certainly the animals that are in an area with a lot of human activities, traffic, dogs, skiers, snowmachiners, et cetera, would certainly have the potential for having more stress than an animal that was in a much more remote location. But in terms of the physical condition they would be during the winter I don't know that just because an animal is in relatively remote area that there's deep snow that they're in any better position to be nourished than if it's in an area where there's more civilization.

CHAIRMAN OLSEN: Is there any other questions for Roger? Thank you, Roger.

Boy, I like that, Rachel, you're right on top of things.

MS. MASON: I don't know which I feel sillier, sitting at the desk or standing the podium.

CHAIRMAN OLSEN: Well, at least you're keeping up with the agenda with me, so, yes, Rachel Mason is here to give us a report on things such as the future and backlog for c&ts. Rachel.

MS. MASON: That's right. Well, first I'll go over some territory that you're all very familiar with. When the Federal Subsistence Program began in 1990 the Federal Subsistence Board provisionally adopted all the State management system's customary and traditional use determinations that were already on the books. And the plan for the Federal Subsistence Program was to go around the state on a region by region basis. And during that time a backlog started building up of individual's customary and traditional requests. And all those people -- all the proponents of those proposals were sent letters saying we're not doing it this way now, we'll put them in a backlog in case we ever start looking at individual customary and traditional request. And by last February approximately 200 such requests had built up in the backlog.

About a year ago the Federal Subsistence Board decided to change the way that they looked at customary and traditional determinations. Instead of going on a region by region basis they would start looking at individual requests. So at last fall's council meetings, the councils were asked to look at the backlog and for their region decide what the priorities were. And that's what you did in your last meeting in King Cove and there were nine proposals in the backlog and the Council was able to boil them down to essentially to two proposals, one for bear and one for elk. And of those only one of them is being considered at this meeting and so I guess part of my role is to tell you why that happened.

In addition to those backlog proposals we also got some new customary and traditional proposals and altogether there were 58 that came in. Fish & Wildlife staff decided to defer some of those proposals and they were evaluated mainly on the basis of what was the most negative impact on subsistence users if they continued to be deferred. And after all those deferrals there were 24 customary and traditional proposals left. So the

elk one remains and that was the one that was deferred.

What has happened now is that Fish & Wildlife staff have been directed to work on the backlog during this coming summer in consultation with the councils to see what their wishes are. So one of the things that could be done by you now is to decide if you want us to go ahead with the elk proposal that was deferred for consideration, I guess, it would be at the next Council meeting.

So I'll stop there and see what comments or questions you have.

CHAIRMAN OLSEN: As this is several years old and we have put a lot of effort into it, my feelings haven't changed. How about the Council here, do we still accept it as a valid request?

MR. EVERITT: I would like to see it dropped just because it's too small of an area to spend the time on, it's way up in the northwest corner, if I understand right, of Afognak. That I don't think there's been that much traditional use up in that area, maybe somebody could correct me, but I don't think it warrants the time and effort that is what I see goes into these.

MR. LUKIN: You know, I disagree. I feel that the effort that was put into this in the last meeting is -- some of the people in the villages up on the north end of the island feel that this will be utilized and I would like to see it go personally.

MR. CRATTY: I agree with Ivan, I'd like to see it go, too.

MR. CHRISTENSEN: I also agree with Ivan.

CHAIRMAN OLSEN: Vince, do you have a comment?

MR. TUTIAKOFF: Go ahead.

MR. CHRISTENSEN: The reason I'd like to agree is just because there is times that -- we've talked extensively here

this morning on deer about the different conditions for hunting and I don't think that we could just let go a small area just because it's a small area, I think we ought to address it.

CHAIRMAN OLSEN: Vince.

MR. TUTIAKOFF: I think it ought to be continued to go on its way because if you drop it in one area you're going to be picking it up in another area at a future date. I think once you start it it's going to create a domino effect where we can get our c&t on the books which we need to do in our region.

CHAIRMAN OLSEN: I also feel that the subsistence user has never been pushed into this corner before and at this time we don't feel that we should give everything up. So I see as a consensus here from the present Council here, that yes, we would

MS. MASON: All right. In fact, the situation of your Council is actually a little less complicated than the other councils because some of them have nine or 10 proposals that still remain and there's this one. And also I wanted to mention that there has been a commitment or considerable interest on the part of the Federal Subsistence Program to deal with that backlog in one way or another, so there is a commitment to handle what is remaining in the backlog.

CHAIRMAN OLSEN: I don't know what has happened here, but it sounds like we got a motor trying to run us out of here.

(Off record comments - locating noise)

CHAIRMAN OLSEN: That's the conclusion of your report?

MS. MASON: That is the conclusion of my report.

CHAIRMAN OLSEN: Is there any public comment on this elk proposal?

MS. MASON: Well, that's it, we can move on to the next thing.

CHAIRMAN OLSEN: Okay. Rachel, on the c&t count of backlog, that was statewide, correct?

MS. MASON: I can't hear over the

CHAIRMAN OLSEN: Yes, I'm sorry. I was just wondering if that number you had on backlog was that just in the Kodiak/Aleutians or was that statewide?

MS. MASON: There were 204 statewide and Kodiak/Aleutians had nine in the backlog.

CHAIRMAN OLSEN: Okay. Thank you. We have next on our agenda here the annual report, 1995-96. Moses, I see you're in there to give us some comment there.

MR. DIRKS: Thank you, Mr. Chairman. Each year the Council is required, in accordance to a certain section of ANILCA, by the Federal Subsistence Program to report to the Chair of the Board the activities surrounding the Council. So I was looking over the minutes of the last meeting in connection with the annual report. When you guys met in King Cove you had some concerns on the length of the report, so what I did was I tried to cut it down, so I took out most of the tables and cut it down and tried to put the issues and concerns up front.

So this is what I have and this is since the shutdown of government for the last -- or the end of the this year has put us back on particular projects and this was one of them. So I just wanted to make that clear to Council. This annual report of each Regional Council is going to be brought up together, I guess, when the Chairs and the Board meets. And this is a mechanism that the Regional Council should use to address their needs, but you have to go through certain guidelines and you guys know what those are.

It to identify what the populations of wildlife is in our regions and identify those and so forth. And this is our third year and some of you have -- especially the new members, if you are -- to save time, if you have any questions concerning

the annual report you can call me, you have my 800 number and if you have any question so far, if you want something added. I thought I was able to add all the concerns that were address from the last meeting, but I was also thinking about adding some of the other concerns from the following year that you guys could look at also, that is not included for this year's annual report.

CHAIRMAN OLSEN: As we have just got ahold of it, I know we normally look it over and as a group decided to accept, reject or amend or whatever on this report, so certainly we need a little time to go over it before we can really comment on it, Moses.

MR. DIRKS: Okay. Well, that'll be fine, you can defer it till later, too.

MR. DIRKS: So I would ask the Council what is their desire here on this, to give it time to look and read or

MR. TUTIAKOFF: Mr. Chairman, I would like to withhold any action as far as approval of this report to the Federal Board till tomorrow when we do action on our other items. This has to be approved by motion.

CHAIRMAN OLSEN: Is there any objection? Hearing none, we will put it on for tomorrow.

MR. DIRKS: Under which line item did you say?

MR. TUTIAKOFF: Why don't we put it under

MR. DIRKS: Under 8D and number 5 or something?

MR. TUTIAKOFF: Yeah, number 5.

MR. DIRKS: Okay.

CHAIRMAN OLSEN: Okay, that'll be fine. I thought we already had those filled with special action.

MR. DIRKS: I thought that number 4 was the special action.

CHAIRMAN OLSEN: Okay.

MR. DIRKS: So it'll be number 5.

CHAIRMAN OLSEN: Okay. On our agenda, if we have no questions on this issue, I would like to invite Bill Knauer again to give his residency and licensing requirements report.

MR. KNAUER: Thank you, Mr. Chairman. I'll see if I can find the right name plate this time. I was just trying to avoid being picked out the last time.

Dealing with residency and licensing, though, in 1994, as a little background, the Federal Subsistence Board received letters from the State of Alaska and the Bureau of Land Management requesting that the regulations specify a resident hunting -- a resident Alaska license. Currently the regulations just refer to the pertinent license.

The Board asked each of the Regional Councils for their views on this. You, as a Council, provided your input to the Board and the Board, after evaluating all of the input, agreed with the Councils that it was the intent of Congress that the priority for subsistence taking of fish and wildlife on Federal lands was intended to be for resident Alaskans. And they felt that, in fact, the best way to accord that priority was to require the resident hunting license or resident trapping license.

As such that will take a change in regulations in Subpart A which lays out the structure of the program. The Board also is aware that they're other modifications that need to be made in Subparts A and B and as such they have directed staff to undertake examination of those parts and include the residency requirement as modifications and to have a packet ready for Regional Council review in the fall which incorporate other changes in addition to those. It would be a pre-publication document that you would be asked to comment on at

that time. And so the residency aspect will be part of the changes that you will see in your fall meeting.

CHAIRMAN OLSEN: This is statewide, then?

MR. KNAUER: This would be statewide, that is correct.

CHAIRMAN OLSEN: Have you determined, is this going to be published only in English or can we have publication for the greater majority of the Yup'iks that a lot of them don't even understand English?

MR. KNAUER: The publication in the Federal Register would be in English.

CHAIRMAN OLSEN: As far as circulating these to different parts of the Great State, if you will

MR. KNAUER: Just for your information, Mr. Chairman, and others, the meeting in the Yukon-Kuskokwim Delta is regularly held -- the entire council meeting is regularly held in Yup'ik with simultaneous translation in English for those individuals that do not understand that language. So that particular council does conduct all of their business in Yup'ik.

CHAIRMAN OLSEN: You understand it.

MR. KNAUER: A couple of words.

CHAIRMAN OLSEN: Is that about the only changes that we are looking at?

MR. KNAUER: No, there will be a number of other changes, some clarifying language, other will have more significant impact. Like I said, there will be a pre-publication draft provided to each of the Regional Councils for their comment and advice. The intent is then to publish a proposed rule in the Federal Register sometime between your fall and next winter's meeting and be able to have a formal council review and formal recommendations coming out of your next winter's meeting.

CHAIRMAN OLSEN: So this isn't something that we should expect soon?

MR. KNAUER: We would hope to be able to get the publication document to you approximately three weeks or so before your fall meeting.

CHAIRMAN OLSEN: Do we any questions here for Bill on licensing and residency requirements? I guess hearing none, Bill

MR. CHRISTENSEN: Excuse me, Bill.

MR. KNAUER: Yes.

MR. CHRISTENSEN: On the second page of this briefing document here. I know we went through this before, but if you could refresh my memory. For subsistence fishing for federally administered waters, why is no license is required?

MR. KNAUER: That's correct. The State does not require a license for subsistence fishing and so it was felt that it was inappropriate to have a license requirement in the Federal programs if the State does not require that.

MR. CHRISTENSEN: So the changes was just for a State resident license on

MR. KNAUER: Just hunting and trapping.

MR. CHRISTENSEN: Okay. But not fishing?

MR. KNAUER: But not fishing, that's correct.

MR. CHRISTENSEN: Okay.

MR. KNAUER: And that would be clearly specified in the regulations that we would -- that would be one of the changes we would be showing that would be very clear.

CHAIRMAN OLSEN: Is there any other questions that Mr. Knauer might be able to answer? Hearing none, thank you, Bill.

MR. KNAUER: Um-hum.

MR. TUTIAKOFF: Request a five minute break.

CHAIRMAN OLSEN: There's been a request here for a five minute break so we shall go off record for five minutes. Thank you.

(Off record)

(On record)

CHAIRMAN OLSEN: We are now at this time bringing our meeting back into session. At this time I would like to call on Bill Knauer to give us an update on the navigable water, Katie John issue, as we have talked about land subsistence in quite depth. At this time I'd like to hear a report from Bill Knauer on the navigable water, Katie John case.

MR. KNAUER: Thank you, Mr. Chairman. Again I'll start with a little bit of background. Katie John is an elder, and Ahtna elder, and she filed suit against the State prior to the Federal assumption requesting the authority to subsistence fish in a traditional area in the Copper River, which is navigable and is under State authority, but the area that she was interested in is an area called Botsonitis (ph) and that's located within the boundaries of the Wrangell/St. Elias National Park.

When the Federal government assumed the subsistence management program that case was transferred to Federal court and heard by Judge Holland in the District Court for Alaska. It was combined with a number of other cases which all discussed the authority of the Federal government to regulate fisheries, subsistence and authority in navigable waters. And Judge Holland in the District Court eventually ruled that all navigable waters within the state of Alaska should be included

in the definition of public lands for subsistence purposes.

That decision was appealed to the Ninth Circuit Court of Appeals and at that time -- or since then the Ninth Circuit Court has made a ruling and ruled that, no, that was a little too broad, it was remanded back to Judge Holland with the Ninth Circuit's decision that the area over which the Federal government had jurisdiction for fisheries purposes were those waters in which the Federal government had a legal interest. That essentially means those waters within the boundaries of conservation system units. So that would mean waters within, for example, Kodiak National Wildlife Refuge, within the Yukon-Delta Wildlife Refuge, within the Wrangell/St. Elias National Park.

The State of Alaska and others have appealed that to the U.S. Supreme Court. That appeal was filed and received by the Court in January. We would anticipate that we would hear the Supreme Court decision as to whether or not they will accept the case sometime late this spring. Typically the Supreme Court does not accept a large number of cases, they only accept very few cases. One thing that will increase the likelihood of them accepting the case is the fact that some dozen or so western states have filed Friends of the Court briefings because of the issue of navigable waters and state sovereignty and so on. We still have no idea whether that will be a threshold for the Supreme Court to accept the case.

If they do not accept the case the Ninth Circuit's Court ruling holds. That would be the ruling that the Federal government, in fact, does have jurisdiction over subsistence fisheries in those waters within conservation system units and the Federal government will be expected to immediately proceed in developing regulations, setting up a subsistence program for those areas.

If the U.S. Supreme Court accepts the case it would be likely heard in the fall, during their fall session, but we do not know -- we have no idea how long it would take for it to come to a decision. We also do not know whether they would stay the effect of the Ninth Circuit Court's ruling while this was

being heard or not.

So because of the situation that, in fact, there is right now a Ninth Circuit Court ruling the Solicitor's office in Washington, D.C. is drafting a set of regulations that clarifies what waters are contained within the Federal program. In other words, which waters the government does have an interest in. Those regulations are also addressing the questions that were put before the Secretaries by two petitions, the Native American Rights Fund petition, which also requested the Federal government to include navigable waters and the regulation of subsistence fisheries. And also the Northwest Arctic Regional Council petition which requested the extension of Federal jurisdiction to selected but not conveyed lands within the conservation systems units. And also the extension of Federal jurisdiction off of Federal lands when there is a connection between activities occurring off of those Federal lands and they fulfillment of subsistence opportunities on Federal lands.

We do not know when those proposed regulations will be published. Washington has told us they're expecting something in the spring in that regard. So we are currently looking at what it will take to fulfill the implementation of those additional responsibilities.

One of the areas that will be looked at is the impact on the Regional Council system. We would certainly expect some regions to be more heavily impacted by the responsibilities relating to fisheries management than other regions. Whether that would mean additional members on the Regional Council, above and beyond what are currently authorized, or whether it would mean new Regional Councils dealing with just the fisheries ass has not been decided yet.

The fisheries regulations would be on a separate cycle, a January 1 to December 31 cycle because it would be inappropriate to change regulations in the course of a fishing season. We recognize that as the State has done. It makes sense to make the changes during the off season. So as soon as we have additional word beyond that, all of the councils will be

advised of the situation.

CHAIRMAN OLSEN: It just seemed as an island here that there would be a lot of concern over this issues here and to date it has been very, very low keyed, assuming that a lot is going to depend on the final outcome of the Katie John case. In the course of this report you had mentioned the Northwest petition, I assume that was the NARC petition; am I correct?

MR. KNAUER: That's correct.

CHAIRMAN OLSEN: Thank you. Is there any questions that anybody might have for Bill on this particular issue?

MR. ROBERTS: My name is Fred Roberts. And you're talking about navigable waterways and I think there's only one or maybe two systems on Kodiak that are navigable, the Karluk being one. Would this outcome effect the Karluk River?

MR. KNAUER: Yes, it would because that is within the boundaries of the Kodiak National Wildlife Refuge. The outside boundaries.

MR. ROBERTS: Okay. Thank you.

CHAIRMAN OLSEN: I guess I might ask which waters would it not affect?

MR. KNAUER: On your Regional Council map there's also a map in the salmon colored books, it would not affect, in general, those waters that are in the areas that are white. If there are waters within the pink area or specific waters that were withdrawn before statehood, such as the Alaska Maritime Waters in Womans Bay and other like that, it would affect those.

CHAIRMAN OLSEN: So according to this here, this ignores any parts of private land to which the NARC petition addresses currently?

MR. KNAUER: That's the Katie John situation, but, like I said, one of the issues was called -- related to the

assumption of -- or the extension of Federal jurisdiction to activities occurring off of Federal lands. In other words, if there's something that is occurring outside, hunting or fishing activities that are adversely impacting the subsistence user on Federal lands, then the Federal Subsistence Board would be given authority to go outside and restrict or stop those activities in order to provide for the subsistence opportunity. That would be assumed to be a relatively rare situation and an authority that would be exercised very judiciously by the Federal Subsistence Board, but that authority would be spelled out in regulation.

CHAIRMAN OLSEN: I don't know if it's me not quite comprehending at this particular point, but it's my understanding of the NARC petition that it would be requesting then also Federal jurisdiction on private lands.

MR. KNAUER: On selected but not yet conveyed lands.

CHAIRMAN OLSEN: Only selected but not yet conveyed?

MR. KNAUER: Right.

CHAIRMAN OLSEN: Thank you.

MR. KNAUER: I believe the petition asks for a little wider extension than that, but that's currently the way the proposed regulations are being drafted in Washington, D.C.

CHAIRMAN OLSEN: Is there any other question for Bill here on this issue?

MR. CRATTY: So, Bill, you're trying to say on the Federal lands there, the Federal government will have control over the navigable waters if that goes through?

MR. KNAUER: That's correct.

MR. CRATTY: So when you say if somebody's hurting somebody's subsistence use, like me as a commercial fisherman, if I was hurting somebody's subsistence use, you'd be able to stop me from commercial fishing?

MR. KNAUER: That is a potential impact. For example, down in Area M, in the False Pass intercept fishery there is regularly objections that because of alleged impact on chum salmon, the by-catch on chum, and has resulted in closure a number of years up in the Kotzebue/Norton Sound area on their subsistence chum fishery. That's one example, but it's often used. I don't know whether there is adequate evidence of inclination of the Federal Board to do that, but that is situation similar to what might occur where the Board might choose to step in and put some restriction on the commercial fishery.

MR. CRATTY: The same would go with the sport's fisherman, like in Karluk, if they had an effect on people subsistence?

MR. KNAUER: That is a possibility. A lot would depend upon, you know, what kind of impact and whether or not the subsistence user was still able to satisfy their traditional harvest levels.

MR. CRATTY: Thank you.

CHAIRMAN OLSEN: Would it be basically fair to say that we might have a little more local control in our regions?

MR. KNAUER: I'm not sure what you're calling local control. It would still be the Federal Subsistence Board that would make the decisions. The Board is here in Alaska, it's the heads of each of the five agencies plus a Chair, who is Mitch Demientieff. The Regional Council, whether it is this one, this one expanded or a separate fisheries council, would still be made up of individuals just like yourselves, members of the region operating in an advisory capacity with the same requirements levied on the Federal Subsistence Board that the recommendations would have to be consistent with sound management practices, supported by substantial information and not detrimental to subsistence needs. So the requirements would be the same.

CHAIRMAN OLSEN: I guess maybe, for lack of a better term, I used not control, but there would be more flexibility built in on many of these issues that might be critical to the subsistence program.

MR. TUTIAKOFF: Mr. Chairman.

CHAIRMAN OLSEN: Yes.

MR. TUTIAKOFF: In regards to the make up of this potential navigable waters board, I guess you might call it, or make up, I'd be opposed to anything feeling the way things are with our board that is as advisory to the Federal Board, I'd be opposed to having a separate board just for the fisheries interests because then you've created another ladder for subsistence users to go through to get to the fish. I mean, I don't know how the other Board members feel, but I think if you create -- if there's one separate created fish advisory board for Federal issue or Federal navigable waters, I mean, you may have people throwing their hands up in the air in disgust and then you'd really have a fight on your hands.

Not only from the users, but also from the commercial entities who have to deal with us now on some issues and I really hope that when the recommendations come out for how this make up is done, I hop that they come to the Board members that are here service now so we can make recommendations how this should be formed rather than having it done in Washington, D.C. and put another level of bureaucracy on our people out here.

That's my concerns.

MR. KNAUER: It would not be done in Washington, D.C., it would -- this is something that would be evaluated here in Alaska. And one of the things that would be done is the existing Regional Councils will be queried as to whether their members have both the time and inclination to devote the extra amount of time that would be necessary to conduct the business of both fisheries matters as well as wildlife matters.

MR. TUTIAKOFF: Seem to be doing that now, is what I'm saying. If it takes one more day at a meeting, especially for

one day for fisheries, then I think it would be a lot more equitable, for the Federal government, anyway, as far as funding. And that seems to be everybody's concern that there's no funding. And if we utilize this Committee as to its potential you have -- that's what every member here at one time in their life been a commercial fisherman or a crabber and have dealt with the areas we're talking about here, especially on Kodiak. I couldn't see any better representation than for right here.

MR. KNAUER: That is information is good for us to have. Thank you.

CHAIRMAN OLSEN: Question. Do you feel or otherwise that should there be a State Constitutional Amendment that this could be averted?

MR. KNAUER: I think any opinion that I might express would be a personal opinion and I don't think it would be appropriate. The State does have a representative here and will have a spot on the agenda to talk about the initiative and certainly it is the policy of the Federal government that we would like to see the State resume management of all fish and wildlife within the state. That a single jurisdiction would certainly be -- at least more cost effective in many areas and we would hope that the State would be able to resume it with the priority for subsistence that's provided for in ANILCA, being responsive to that also.

CHAIRMAN OLSEN: Just a comment here, it brings a concern to me as I look at what's going on up on the Kenai Peninsula and Cook Inlet salmon that we are, once again, creating I feel another monster as to allocations between sports and commercial. Certainly as a subsistence user I feel we better get on the wagon, too, or we're going to be left out once again from the bottom. It's a real concern, it is not laid to rest and it seems to be mounting more pressure to give allocations to sports fisherman or commercial. So I have very real concerns that it will echo down the pipeline.

Is there any other questions here for Bill? Hearing

none, thank you, Bill.

At this time I would like to move on to our Regional Council matters. Moses.

MR. DIRKS: Thank you, Mr. Chairman. This is mostly informational, so it'll go pretty fast. The additional membership in Region 3 we were talking about, what the Board decided to vote in favor of those two members. And the reasoning behind these additional members that the Kodiak/Aleutians Council request was to -- they felt the -- especially the Regional Council members who were representing the Aleutians felt that they were lacking in representation, so they saw that there were areas where representation was lacking, especially in the Shumagin Islands area and Pribilofs, so that's one of the reasons why they wanted to additional members.

And also they were concerned about the -- since they had few members from the Aleutians they could easily get outvoted by the Kodiak members, but, you know, that was one of their concerns too, so that's why they wanted these two additional members.

As far as the nomination process is going, I have been very concerned about the number of applicants who have applied so far and we're rapidly approaching the deadline and there are four seats that still need to be filled and we have four applicants so if you know of other people that want to apply for the Council seat to make sure that they meet the deadline before the 29th of this month.

Randy was asking about the additional seats and the geographic representations. The information that I have is that neither of the two additional seats nor any of the other Regional Council seats are tied to any particular area. So that means if we get like -- let's say we got 10 applications from Kodiak we could use that pool of applicants to fill -- for instance, if we didn't get anything from the Aleutians, we would have to use that pool of people to fill the Aleutians' area seats.

MR. CHRISTENSEN: Okay.

MR. DIRKS: Just a minute.

MR. CHRISTENSEN: I'm sorry.

MR. DIRKS: We tried to obtain a geographic and maintain a geographic representation, so that's why when we go over these applications after the whole nomination process -- or the application deadlines are met, we put together a panel to review the applicants and then we rank them according to geographic representation, so that's how we got to select -- I mean if we had applicants from a certain area, then we were fortunate to select from those area. So that's how you guys have -- you know, representing your particular areas.

And each Regional Council member represents the entire region, but brings special knowledge of his or her local area, so that's the reason why we think that the geographic representation of the areas are important.

MR. CHRISTENSEN: Okay. There's a couple of questions that come to mind on that. Well, first of all you're saying that these two additional -- from the past meetings that we've had, we felt that there should be more representation from the Aleutian Chain area. Now, it seems like you're contradicting yourself when you're saying that the applicants -- that you're representing the whole region and they could come from any areas. Now you're saying there's a possibility that after we did get these additional two seats that they also could be filled also from Kodiak? So it could be instead of, say, five to two, it could be seven to two? Do you see what I'm saying there?

MR. DIRKS: Yes.

MR. CHRISTENSEN: I understood the reason for the geographical distribution was, like you say, to bring knowledge from your corresponding area, you know, to equally represent the whole region. Now, when you called me on the phone and said, you know, as many applications from any places, you know,

they'll be looking at each application, so that means that suppose you don't get any applications from any other place and maybe just from Kodiak or supposedly just from Larsen Bay, does that mean that any seats that are coming up could come from Larsen Bay?

MR. DIRKS: Yes, and you would have to represent the Aleutian area.

MR. CHRISTENSEN: Well, see, now, isn't that contradictory to what -- isn't that contradictory to the purpose of us getting two extra seats from the Aleutian Chain area?

MR. DIRKS: No. What I was saying is that if you don't get any applicants from out there, you see, after the

MR. CHRISTENSEN: Is that just because you're leaving a window open, but doesn't that defeat our original purpose of getting two more from the Aleutian Chain area?

MR. DIRKS: Yeah, it does.

MR. CHRISTENSEN: And then also just like we had the opposition against the -- well, not to get back to the deer issue, but also -- well, there was a lot of opposition to this particular deer hunt and I'm sure that there's a lot of Natives that are opposed to this particular deer hunt itself, too, but not the idea of an extra subsistence hunt.

Okay. Now, suppose that all the representatives were, you know, applications came from Kodiak and not necessarily from the villages and so does that mean supposedly Al's seat, Ivan's seat and my seat could be filled by somebody else if we don't happen to reapply? Do you see what the problem that I'm talking about that we could be getting into?

MR. DIRKS: Yes.

CHAIRMAN OLSEN: I would kind of like to address that just a moment here, Randy. And it was at the genesis that we did look at this, it's taken quite some time to be able to get

to this hurdle. Certainly as we spoke that these positions are an appointment by the Secretary of the Interior. For this reason, as we are discussing, we have requested an input from the councils as to the selections of the council members. To this point I have not heard any more as to whether they are going to grant any information regarding their appointments to take in consideration.

Certainly that was the objective of our request of two more Council members, was that the Chain would be equally represented. But the point I'm getting at is I do not and have not heard at this point whether they're going to in any shape, manner or form request us -- accept our request as to have more input as to the appointments on the Council.

MR. CHRISTENSEN: Have you heard, Moses?

MR. DIRKS: No. We just -- my main concern was to this time around we were going to try to fill in those two extra seats that were given to us by -- or the Federal Subsistence Board adopted or elected to have for our regions. So next time around, hopefully in the fall, instead of having seven members we'll have nine members. Four representing the Aleutian area, Pribilofs and (indiscernible -- interrupted)

CHAIRMAN OLSEN: But they have not granted or accepted any other input from the councils as to where these seats should be filled from?

MR. DIRKS: Well, that's -- we recommended those two areas, those would be Shumagin and the Pribilof areas. Initially that's basically where they want the applicants to come from. We've discussed this before too.

MR. CHRISTENSEN: Also -- I guess I'm still not clear on this. What I'm gathering here is you say there -- first you're saying that there's four from the Aleutian Chain area and then there's five seats from the Kodiak area

MR. DIRKS: There is no four seats yet.

MR. CHRISTENSEN: No, no, no, I know. Theoretically, if these two other seats are, in fact, going to be filled as we proposed earlier.

MR. DIRKS: Right.

MR. CHRISTENSEN: Okay. Now, first you're saying there's four from the Aleutian Chain area, because that's the reason why we asked for the two extra seats is for that area to be represented. And now -- I'm hearing now that possibly in the future those two seats can be filled even from Kodiak.

MR. DIRKS: Right, yeah, the way the system is set up.

MR. CHRISTENSEN: So are we defeating our purpose for adding those two extra seats? Do you see what I'm trying to get at as far as a conflict here?

MR. DIRKS: Right, yeah. So we could also talk about that during the nomination process. You guys when you were asked if you wanted to be involved with the nomination process, you said that you had no interest in doing it, so that was recorded in the minutes as that, so

CHAIRMAN OLSEN: Excuse me. Bill, you had something to put in?

MR. KNAUER: Yes, Mr. Chairman. Moses is absolutely correct. None of the seats in any Regional Council are tied to a specific community or a specific sub-area within the region. The selection of council members in every Regional Council, one of the goals has been to have distribution throughout the region to provide adequate representation. Bill Thomas, the Chair of the Southeast Region made a very eloquent statement and said that each Regional Council member represents an entire region, but they bring the special knowledge and background from their particular locale.

Ideally, there would be full representation within the Kodiak/Aleutian Region with members scattered on the Aleutians, the lower end of the Chain and the Shumagins and Kodiak. That

will depend a lot on the number of applications and the quality of applications that are received. That member recruitment effort is both our responsibility, your Regional Coordinator's and also your responsibility as members letting your friends, relatives, acquaintances and other community leaders in these areas be aware that the application process is currently open and responsible individuals are needed to help you sit on this Council.

For example, in our first recruiting effort on the North Slope Region, we had a lot of applications for the nine members up there, however, only two of the applications came from communities outside of Barrow. And that was a very unusual situation and we had to have the members be appointed from Barrow. On subsequent recruitment efforts where there was particular pinpointing of recruitment efforts in some of these other areas. So the idea is to have geographic distribution, but sometimes we're stymied because we may not get any applications from a particular area.

So i would just hope that if you have acquaintances or contacts in some of these areas in the Aleutians, the Shumagins, the lower end of the Peninsula that you will make the phone calls or faxes or contacts in your business or personal dealings and let people know that we are seeking members in those areas.

CHAIRMAN OLSEN: I think it's kind of clear, though, what our intent and hopes are. I'm not saying that nobody is incapable of the job, but to only try to involve from all sides of the issue.

Yes, Moses, I didn't mean to cut you off there.

MR. DIRKS: Is there any more questions concerning the additional membership in Region 3? If not, I'll go on to training needs for Regional Council.

According to minutes of the last meeting I was going over and also there's a summary that was done and the training needs of 10 Regional Councils prepared by one of our coordinators and for Region 3 they had -- if any of the Council

members can think of any other training needs that you think this Regional Council needs be sure and -- we could add it on to this list. They were interested in receiving some type of biological training, this Council did, and also expressed interested in a training session for traditional environmental knowledge, TEK, and you felt that the training should be done in the fall of 1996 session.

And those are the only three items that this Council has submitted thus far. Is that -- does that reflect the needs of the Council?

CHAIRMAN OLSEN: Yeah, I guess the question here to the Council, do they feel that they have been adequately trained to deal with issues as they come before us, correct?

MR. DIRKS: Yeah, these are the training needs of the Regional Council that you guys expressed. Or you, the Council members, expressed in the last -- I guess during the last meeting they asked each Regional Council what their training needs might be and these were what we got.

CHAIRMAN OLSEN: Certainly as time goes by we get additional members that have not been with us

MR. DIRKS: But enclosed in your meeting packet they have other Regional Councils and their training needs, you could look at that, maybe, if you want to add those on to your list you could do that also.

CHAIRMAN OLSEN: Is there any kind of a time frame we need to meet on that, Moses?

MR. DIRKS: You could do that this or submit your recommendations after I get back to Anchorage also. But according to the needs of the Council they wanted the training done in the fall of 1996, that's coming up pretty fast though.

CHAIRMAN OLSEN: Which will probably be in the fall meeting of October?

MR. DIRKS: In the fall meeting, yeah.

Regional Council travel reminders. I've gone through that list with you, most of the Council members already. I was told by our administrative officer up in the Federal Subsistence Program was that during the last Regional Council meeting none of the travel itineraries made it back to the main office. So that's the main thing that you should try to consider is that once the trip is over, you get back to your perspective villages and just fill out the travel itinerary and send it, and don't forget the airline ticket coupons.

And that is basically it, I think.

CHAIRMAN OLSEN: Is there any questions for Moses on any of the three things he had discussed?

Well, that takes us through a brunt of what we have on our agenda. Maybe since we are in the mode here, Moses, I see we have the Regional Council nomination process which you might be able to cover here while -- it's pretty much been -- I don't know it's been

MR. DIRKS: Well, I've discussed the nomination process indirectly. Back in December, I guess, they started to send out all the nomination process and I've sent to each Regional Council member also a copy of the applications and to all the entities in the Kodiak/Aleutians areas so everybody has done that. And also I tried to follow up with calls to some of the villages and also the municipalities during this whole process. And, like I say, so far we got back four applications from the Kodiak/Aleutians areas and then thus far there are three seats that were to be vacated this year. That is one from the Old Harbor/Akhiok area and then there's a seat from the Kodiak road system, and then one from the Western Aleutians. And then those two additional seats that need to be filled out for the Aleutians, those are -- we've gotten -- like I say, we've gotten back only four applications, but hopefully by the 29th we will receive more.

MR. TUTIAKOFF: Mr. Chairman.

CHAIRMAN OLSEN: Yes, Vince.

MR. TUTIAKOFF: It was brought up by Moses earlier that we had not taken a position regarding the nomination process. I think at this point a motion should be ordered to all we can do is advise the Federal Board that we recommend that the two additional members or four total come from the Aleutian area compromising the nine member board of Kodiak/Aleutians.

And if that's okay, all we're doing is making a recommendation so that the problem that Randy brought up where a Kodiak seat may become vacant and filled by Aleutian area will then be defined. Basically you'll have five members from Kodiak and four from the Aleutians. I think that what we need to do to give them direction on how to fill that four seats and we haven't done that and that seems to be a problem of concern here.

And if there's no objection I'd like to move that we make a recommendation to the Federal Board that the make up of the Kodiak/Aleutians be five from Kodiak area and four from the Aleutians. And they can take that under advice, rather than -- you know, we can't really direct them to do so, but at least they'll take into consideration the people who have applied from the Aleutians to fill those seats as they become vacant.

CHAIRMAN OLSEN: Certainly I take that well as part of our intent. No objection here. On the other hand it kind of confuses me when we say that as the appointment we represent the full area, yet I hear us talking about a road system seat, a westward seat, a Kodiak seat. Can you clear that issue for me, Moses?

MR. DIRKS: When the panels meet we try to get a panel -- you see we work with only three refuges, there's the Kodiak and Izembek and also the Aleutian Maritime. And then we didn't half to meet with Izembek or the Aleutian Maritime -- or the Maritime Wildlife Refuge in the Aleutian units because we didn't have anybody -- any applicants from that particular area so we -- these last three years have been from the panel members came

or that reviewed the applications were from the Kodiak Refuge.

So when we sit down we try to see what pool applicants that we have and where they come from and then from there we do a geographic breakdown of which -- where the applicants come from and that's where the geographic representation comes from. And what I was saying is we didn't have to do that, but we choose to do that so that we get local expertise from this Council so that they represent their areas effectively.

CHAIRMAN OLSEN: And, like I say, Vincent, I lean with you, I only have reservation about do we have enough applicants from that area to fulfill our recommendation and as far as I know at this point we don't.

MR. CHRISTENSEN: Yeah, we do.

MR. DIRKS: There's also a point of clarification if the -- if we don't get adequate applications from either areas, like if we don't get enough applications to fill those seats, do those seat remain unseated until they're filled the next term or what is the -- how would we go about doing it, if we were to make a recommendation to the Board that four members come from the Aleutians and if we got just only, like, two or three applications and then one seat would remain empty.

MR. CHRISTENSEN: Well, I'd like to say that, like, what Vincent was saying there, that in just a motion to recommend to the Board that when they do -- well, I guess it's the Secretary of Interior that appoints the seats, but, you know, him being such a long ways away he might not fully appreciate the situation here. And our intent was to have those two seats fill from the Aleutian/Pribilof area. And if our intent is not fulfilled the way -- when we first moved to get two more seats then why should we have those two extra seats?

I guess, I'm finding out here that they could -- I understood initially when -- I thought when this Council was first -- when it was first started that it was geographically set so that there would be equal representation and I'm finding out different here now.

MR. DIRKS: Yeah, but that's what happens, it's up to the panel members to decide those things. I mean, when we look at the applicants, like I said before, that we look at where they come from and then we try to match their geographic areas and that's how each one of you, the members on this Council, go on. So we'll continue doing the same thing.

MR. CHRISTENSEN: Well, I'd like to second Vincent's motions, I believe it was in the form of a motion, that we do send a letter to the Board recommending that they do look at the two geographical areas and try to divide them fairly equally.

MR. DIRKS: You still don't want to split the region or -- I'm just kidding.

CHAIRMAN OLSEN: Is there any objection to the recommendation here on the Council?

MR. CRATTY: No. What I was wondering, did King Cove ever get informed when we were there? There were a couple of people that were interested in sitting on the Council.

MR. DIRKS: Yes, I have contacted the tribal entities there and they've -- like you say, they had played around with a couple of names and gave me those names and addresses and so I sent the applications out those particular individuals, but hopefully they'll be sent in, but I haven't received any of them yet.

CHAIRMAN OLSEN: Yes, Bill.

MR. KNAUER: Yes, Mr. Chairman. One thing that would -- I'm sure the Board would like clarification on is the Board fully supports the idea of geographic distribution so an entire region is represented. The question is, if there are inadequate applications, say there's only one application for the two seats that you would desire to have representation from the Aleutians, would you desire that that other seat be left vacant until the next recruitment period the following year? That's something that should be clarified for the Board.

MR. TUTIAKOFF: Well, my feelings is if they don't -- if the seats are not filled this time then the recommendation ought to be dropped and those two seats ought to be dropped because then you're not having the interest that was created when this was initially brought up.

You know, a little bit of history back on it, is that, you know, the question of whether there was continuity between the two areas, Aleutians/Kodiak, where there should be two regions and I think it came down to a decision, well, we'd continue as is to see if there is that interest out there, apparently there seems there's not. There's a lot of people standing up and hollering in the background, but nobody has come forward to sign the paper.

And I think my recommendation is if they're not filled at this session during the fall then the recommendation ought to be made to vacate those two seats the follow February. That's just the way I feel about it, if there's no -- and if the interest does come up again in year or a year and a half, I think we have that opportunity to raise those two seats up again. I mean, I can't see sitting two vacant seats every year or one seat even, because that's not helpful to the rest of the members, especially if you have to -- or you want to communicate the issues to their areas.

MR. EVERITT: Mr. Chairman, if somebody doesn't apply from the road system or from a specific area, then I think somebody else that has put in an application from the region should be able to take that seat. And the next time that there's an election that somebody from the road system here can apply and say we want to get back on the Board, but I don't think we should cut seat off.

MR. TUTIAKOFF: These are two additional seats that I'm talking about.

MR. EVERITT: Okay. Two additional seats, but I don't think we should have any less on this Advisory Council or any less than what there is now.

MR. TUTIAKOFF: Seven. Yeah, let me clarify that. I don't propose that if your seat comes up, Tom, that nobody applies for it they ought to vacate it. I'm saying -- I'm talking about the two additional seats only. We should never lower the Committee membership lower than seven. Same for my seat and Gilda's if the Aleutians don't fill my seat, for some reason, I shouldn't be able to -- can't apply and then, you know, you're going to have to fill it from Kodiak.

That's all really.

MR. CRATTY: We have two seats coming from the Aleutians, coming from False Pass here.

CHAIRMAN OLSEN: Two application, yes.

MR. CRATTY: Yeah.

CHAIRMAN OLSEN: I guess the direct question which Bill has presented is a decision, you know, we need to kind of make right at this point here, too. Not necessarily, I guess, what is the wish of the Council? To sleep on it? To make the decision now? Should

MR. CRATTY: Maybe we should wait for

MR. TUTIAKOFF: Gilda?

MR. CRATTY: Gilda to get here.

CHAIRMAN OLSEN: Right. Gilda, she is the representative from False Pass and unfortunately she has not been able to attend due to the weather/transportation factors. And we all recognize that and we still would want some input. We understand she's due in tonight and we would like to hear from her area before making any decision without her input.

MR. TUTIAKOFF: Mr. Chairman.

CHAIRMAN OLSEN: Yes, Vince.

MR. TUTIAKOFF: There was a motion on the floor and seconded it. It doesn't relate to dealing with how you're going to deal with the vacant seat, because I feel that's a separate issue, but I think the motion was to advise the Federal Board that our recommendation to fill the two seats come out of the Aleutian/Pribilof area. That's all it was, it doesn't deal with my seat or Gilda's or Tom's or anybody else's.

CHAIRMAN OLSEN: Your right. I was only looking for more input from that area before we did make a final decision on it. Is that acceptable?

MR. CRATTY: Favor.

UNIDENTIFIED: Favor.

CHAIRMAN OLSEN: Hearing no objection maybe we need to at least hear from Gilda's side.

Do you have anything else on

MR. DIRKS: Does this mean that the motion is still on the floor or does the motion die?

MR. TUTIAKOFF: By rules second should withdraw pending discussion, I guess, since it's going to be till tomorrow.

CHAIRMAN OLSEN: Yes.

MR. CHRISTENSEN: In light of the fact that Gilda is not here I'll withdraw my second.

CHAIRMAN OLSEN: So basically it's tabled by reasoning of that absent representative.

What is the wish of the Council here at this point? I feel we have moved right along here. Do we want to work right up until 5:00 o'clock or is there other -- I guess we could go on, Moses, as far as the charter renewal.

MR. CHRISTENSEN: Mr. Chair.

CHAIRMAN OLSEN: Yes, Randy.

MR. CHRISTENSEN: Under new business under 8 (4), it says, open the floor for public comments. These public comments, what are these in relation to?

UNIDENTIFIED: You got three proposals.

MR. CHRISTENSEN: You got three proposals, so in public comments, which seem to take some time, I believe we should go all the way to 5:00 o'clock because these -- the rest of this here may take up all of tomorrow, too.

CHAIRMAN OLSEN: Yeah, Rachel or Moses, I see you both

MR. DIRKS: Squirming in our seats? This public comments, you know, are those comments in reference to the proposals. At that time we will present, after each proposal, we will try to present what has come in as written public comments and also the public here in Kodiak will be given the opportunity to make public comments on the proposals that are being presented.

MR. CHRISTENSEN: So you're saying they won't take that much time?

MR. DIRKS: Well, they might, that one -- I'm sure that the Proposal Number 26 is going to take a long time.

So did you want me to go over the charter thing? What I was thinking was that when you look at the annual report tonight and then together with the -- I've given each Council member a copy of the last charter and then in that particular section in your meeting packet it defines which area of the charter could be changed. You could look at that and then we could do that -- delay it until tomorrow. Would that be okay with the Council?

CHAIRMAN OLSEN: That certainly would make sense to me.

Bill.

MR. KNAUER: Yes, Mr. Chairman. If the Council is designed to move along, Mr. Morrison has informed me that he could make the presentation on the Knowles/Ulmer initiative, under D (2) or I'm available to make the presentation on the Federal DLP situation this afternoon, also, if you wish to get some of the other items off the agenda.

CHAIRMAN OLSEN: Yes, as I look at the agenda here anything further here I feel should be in a block as we will be discussing the proposals, 26, 27 and 28. I feel the following agenda items are directly involved with that discussion. It would certainly -- I would have a tendency to agree that we should kick anything else out of the way that is not pertinent to the other proposals.

Do I -- how does the Council accept this?

UNIDENTIFIED: Do the reports. Get the reports out of the way.

MR. TUTIAKOFF: Some of these guys have been waiting to these, so we might as well let them do them.

CHAIRMAN OLSEN: Right. I guess there was a request that if we'd like to get some of other agenda items out of the way that are not going to be part of the proposal that it can be taken -- I hear no opposition. Bill or either one, whoever wants to give their -- so this, I guess, will take us then to other new business, are we starting out with (2) the Knowles/Ulmer Initiative?

MR. MORRISON: Thank you, Mr. Chairman. John Morrison, Fish & Game Department. The Commissioner's office had intended for a higher level person to be at all of these Council meetings to discuss further the Lt. Governor's proposal for trying to resolve the subsistence dual management impasse. However, because of the current Fisheries Board meeting that's going on and also demands of their time for legislative committees, nobody was able to come out and do that.

I've been asked to point out to the Council that the Lt. Governor is very eager to have your opinions on the proposal. At the bottom of Page 5 of the proposal, which is in your book, there is an address, in fact, more than one address to send comments to and also the note that you're opinions should be sent in by the 1st of the month, however, I think that either Council recommendation or individual recommendations or opinions would be certainly welcomed after that date.

The only thing I can say at this time is the next step in this procedure will depend a lot on the nature of the responses that the Lt. Governor receives. What might take place then is hard to say. The proposal contains three main elements that any one of which, if it is not achieved, would pretty much cancel the whole proposal. One, being a change of ANILCA by Congress; the second one a change of the State Constitution by the Legislature; and the third one the establishment of yet more council type organization to advise the decision makers about the future subsistence issues.

So those are three things that would certainly need to be thought about in your review of the document and addressed and any comments you might want to make on it. Thank you.

I'm sorry I can't answer any questions about it because I just don't know any more than what's already in report and I'll just have to rely on your reading it and making up your own minds about it.

CHAIRMAN OLSEN: Right. This is to deal with the dual management, the subsistence dilemma known as -- that try to get under a unified management once again.

MR. CRATTY: With the State?

CHAIRMAN OLSEN: Yes, with the State and the Federal government. I have, myself, been sent a copy of this from the Governor's office, I'm not aware, have any of the other Council members received?

MR. CRATTY: What's that?

CHAIRMAN OLSEN: This was a proposal from the Governor's office, mainly, Fran Ulmer, a proposal to try to bring this back under unified management.

MR. CRATTY: With the State?

CHAIRMAN OLSEN: Yes, with the State. I know that my feeling is very, very, very, strong. That I personally at this time cannot even think of a Congressional amendment to ANILCA. I'm just speaking for myself, personally, that is one the major requests that they're making of it. And I don't know how the rest of the Council feels and, of course, it's kind of hard for them to make any decision if they had not even seen this.

MR. CRATTY: How they feel on what?

CHAIRMAN OLSEN: This is in direct conjunction as to the proposal that was mailed to the different Council, I believe, must have been maybe just the Chairs that received it as to the resolution to the subsistence dilemma, as it's been called.

MR. TUTIAKOFF: Mr. Chairman.

CHAIRMAN OLSEN: Yes, Vince.

MR. TUTIAKOFF: I'd like to make a note that the deadline for any kind of comments is March 1st. If you have any comments to this Alaska Solution, that they call it. I've read it, I received it early in January, I think it was, but I don't know. If you haven't read it it's in that Section 8 there in the back part of it.

MR. CRATTY: I read it last night.

MR. TUTIAKOFF: But the deadline is March 1st and that's, you know, one week away.

MR. MISHLER: Mr. Chairman.

CHAIRMAN OLSEN: Yes. Excuse me. Craig.

MR. MISHLER: I direct your attention that this is not

COURT REPORTER: Microphone.

CHAIRMAN OLSEN: You know the rules.

MR. MISHLER: Mr. Chairman, this is Craig Mishler with the Division of Subsistence. This proposal has gone through two drafts and the current draft should be dated January 31st, 1996 up at the top and that's the most current one. You don't want to be addressing the earlier draft which came out, I think, in this November or December. So make sure that if you need a copy or you want to comment on it that you're working with the current proposed draft.

CHAIRMAN OLSEN: That's the one that in our book.

MR. CRATTY: This is dealing with the State taking over the subsistence issues?

MR. TUTIAKOFF: Mr. Chairman, from a Board's point of view I think we ought to have an opportunity to maybe review it, update yourself and -- are you requesting a unified recommendation for or against this draft?

CHAIRMAN OLSEN: No, I am not requesting that at this time. I only wanted to let you know what my opinion was and I've chose not to respond to it at all.

MR. TUTIAKOFF: John, was that your impression or were you just asking that we be aware of it?

MR. MORRISON: We were just reminding the Council of the opportunity to comment on it. And as I mentioned, at the bottom of Page 5 are the addresses, either E-mail or direct mail or whatever, fax number by which a comment could be directed to the Lt. Governor. I did note that she would like to have them by the 1st of March, but, again, I think that if they came in

shortly after that they would still be looked at.

CHAIRMAN OLSEN: And is this all clear as mud or what?

MR. CRATTY: Mud ain't clear.

CHAIRMAN OLSEN: Yes. I'm not quite sure myself if everybody was aware of this proposal, am I the one missing the boat or out of -- am I reading you right?

I guess at this time I can only say table it and give the Council time to ponder on it as to whether we have a desire to respond in any shape, manner or form on this.

MR. CRATTY: Well are they looking for support on it or what

CHAIRMAN OLSEN: Well, certainly they are trying to resolve the issues.

MR. TUTIAKOFF: Mr. Chairman, my understanding is that they have sent it to AFN, to all the Regional Corporations and they are requesting a unified support of this before it goes to final draft, from the Native community.

CHAIRMAN OLSEN: Um-hum.

MR. TUTIAKOFF: I think that it would be -- a vote should be take, whether we approve it or not. I mean, I think that's what they're asking for, I think that's why they need to find out where we're coming from. There's some sections in here that I feel are not -- that are taking rights that I feel that we've earned and they're taking them away from us and, you know, each section by section you'd have to go through, but some of it I don't approve of it at all.

MR. CRATTY: That's the same way that I feel.

CHAIRMAN OLSEN: My personal feeling here is if it wasn't for Title VIII of ANILCA we would not be here.

MR. CRATTY: That's right.

CHAIRMAN OLSEN: Is there a consensus here of the Council as to do we want to address it? If so, I'd like to hear from you.

MR. EVERITT: No, I would -- just getting this today and reading it, I don't want to say that I'm for it or against it, he just brought it as information. And we have the right to respond to it and I'd like to leave it at that.

CHAIRMAN OLSEN: Should we look at this like a tabled issue or

MR. TUTIAKOFF: I'd like to leave it on the table since we are expecting another member tomorrow who may have different ideas on how to address this. I know she's only one member, but she may be bringing things to this Council we're not aware of also.

CHAIRMAN OLSEN: Okay. Then it's my impression that we will deal with this before adjourning tomorrow. Thank you.

Bill Knauer, please give us the Federal DLP policy.

MR. KNAUER: Thank you, Mr. Chairman. The issue of taking of nuisance bears or taking bears in defense of life and property has come before the Federal Subsistence Board a number of times since its inception. The current Federal regulation states: that wildlife taken in defense of life and property is not a subsistence use. Wildlife so taken is subject to the State regulations.

There are a number of areas, regions that regard bear as a nuisance and areas where bears are shot on sight. There have been proposals requesting increases in harvest limits or seasons based on that justification. In the past the Federal Subsistence Board has rejected such proposals ruling that in accordance with their regulations bears taken in defense of life and property, in fact, is not part of the subsistence program.

At the last Board meeting in April the issue came up again requesting an increase in the harvest limit and having as justification that there were nuisance bears and bears were too common and were getting into fish camps and so on. At that time the Board instructed the staff to examine the issue of taking of bears in defense of life and property and the Board separated that issue from the issue of increasing the harvest limit.

The staff examined the situation and found that throughout the state whenever bears were taking in defense of life and property it generally occurred on private or otherwise non-Federal lands, in fish camps and under circumstances where the taking did not involve the use of the taken creature. In other words, the creature was not harvested either for meat, for cultural purposes or for hide, like a furbearer. The purpose was to remove the creature rather than to actually use the creature.

As a result of that understanding the Federal Subsistence Board decided that the preferred course of action was to direct staff to meet with representatives of the Alaska Department of Fish & Game and try and find ways to make the current DLP reporting system possibly less onerous and more responsive to the subsistence user. One of the problems is lack of reporting of the DLP taking. Everyone, be it the State or Federal employees recognize that there is, in fact, a need for a DLP system. That it is important and reasonable to expect a person to defend his or her property, his or her life or the life of others.

Likewise, it is important not to abuse the system and to shoot any bear on sight merely because it's a bear. And part of the reporting system is to prevent that very use of the system, but it's also to obtain a record of the bears that harvested for whatever reason because bears are not -- do not have a very large reproductive capability. The reproductive capability is much lower, for example, than that of deer. And it is very easy in some areas to significantly overharvest bears. And to put a local population or even a regional population in jeopardy, which neither the Federal nor the State program wishes to do.

The main direction to the Federal Subsistence Board is for the conservation of healthy fish and wildlife populations. And that being the case they've Greg Bos of our staff to meet with the Alaska Department of Fish & Game and to talk about ways in which the reporting system might be made more user friendly, possibly through changes in the system, possibly through changes in understanding of the local people of what's there. Many people were unaware that although DLP bears when they're taking the hide and skull must be turned over to Fish & Game, I believe it's within 15 days. That can also be delay if the individual are, for example, at fish camp and have not yet returned. It can be done freight collect, so that the individual does not have to bear the brunt of the cost of sending it in.

And also the meat can be kept by the community or the individuals. The meat is not one of the parts that has to be turned over, although in many cases the meat is not desirable, in some areas it is.

So that is the current status on the DLP issue as relates to the Federal Program.

CHAIRMAN OLSEN: You made the statement that the DLP should not be involved in subsistence. I'm trying to get a handle on the exact intent of that and I would imagine it's not part of the subsistence management as to bear or the DLP. I'm just trying to figure out where that statement comes into being.

MR. KNAUER: The Title VIII of ANILCA talks about subsistence being the non-wasteful use of fish and wildlife resources. Use being cultural, nutritional or the products thereof, such as furs and so on. And in the original establishment of these regulations and examination of the defense of life and property issue it was felt that the taking of a bear in defense of life and property was taking not with the intent to use the bear either for food or hide or cultural or spiritual purposes, but to remove the bear as a threat. And, therefore, although it was a valid taking it really wasn't under the guise or jurisdiction of the Federal program and that the State had adequate regulations to allow that taking without jeopardy to the individual.

MR. TUTIAKOFF: Mr. Chairman. Bill, you mentioned that there was no -- is there a written policy for the Federal guidelines on the DLP; is there something written? I was looking through my folder here and trying to find out where you're reading from.

MR. KNAUER: It is in the regulations, it's in Subpart D, it's Section 25(k)(2). And that's what I was quoting, it says: wildlife taken in defense of life and property is not a subsistence use. Wildlife so taken is subject to State regulations.

MR. CRATTY: Bill, I was just wondering, what if you ran into a problem like Randy had? He had nine bears surrounding his trailer, what the heck you going to do, shoot all nine bears?

MR. CHRISTENSEN: Also I'd like to -- there's been a problem that we've asked the State, we called the Federal government on it, we called the State Troopers, we've called the city cops, we've called everybody and nobody -- they just said to go ahead and handle it any way you want to. They said that to the city of Larsen Bay, to the Tribal Council and then we did handle it the way we want to then I was prosecuted it for it for the simple fact that I didn't turn it in, but that's because I was out fishing, I had to just -- I incurred damages of a little over \$2,000.00 not to mention the food that was taken, this was just on the property, freezers and stuff and out buildings.

And my one question is why do they need the hide, I was talking with Jay last year, I believe and he said that they didn't need the hide and what they actually were looking for were the claws and the skull. So he didn't see any reason why you couldn't just cut off the head and then cut off the claws because they could be sold, of course, and I don't know, I suppose any more maybe the gall bladder, but other than that, what's the need for sending in the hide? And then why is it -- 'cause we've had extensive bear problems in Larsen Bay, not to mention other villages, but we've had some really bad problems. We have them especially -- well, towards the winter when there's

not daylight, you know, you have kids walking to school, you know, down the same roads that the bears are. And if you had a bear walking downtown Kodiak, you know, it's be shot and killed and drug off with no problem, I mean, not once of protest. But we can't do that in Larsen Bay and I don't understand that difference.

And one of he problems why there's no reporting is because nobody wants to skin it out. And go -- and why is the burden -- I feel that if the bear is on the refuge, it's the property of the refuge , it'd be the same thing as a neighbor that owns a dog that comes into your property, that neighbor is responsible for that dog, so why isn't the owners of the bears responsible for that bear, why does the person that incurs the damage have to skin that bear out and take the skull and do all that other good stuff when it's not his problem in the first place, he's already incurred enough damage and frustrations with the authorities who don't seem to want to do anything but as soon as you do shoot the bear -- I mean they won't come out for anything. We've asked them time and time again to come out and take care of the problem, but they won't even bother with you, but as soon as you shoot it they're there right now to prosecute you and this has been the case.

And, again, my one question is what's the purpose of sending the bear skin in? And if they want the bear skin, why don't they come and take it themselves because most of the time, you know, you're so frustrated and at the time that happened to, you know, I was fishing and I needed to get back out fishing, I just didn't want to deal with it. And then, like you say, there's many other bears that have been killed that are not reported and that's one of things is, is because they just don't want to deal with it, they're either sunk or buried.

I think this is a problem that should be extensively looked at and remedied. Okay.

MR. KNAUER: One of the reasons for requiring the hide be sent in is to preclude the abuse of the system whereby an individual would shoot the animal claiming DLP and then sell the hide, which is readily salable commodity.

In regards to ownership of the wildlife throughout the United States ownership of the wildlife is the property of all of the citizens of the state, not any individual citizen or any individual entity within the state, until that wildlife is taken by an individual. Once it's taken by an individual then it becomes the property of that individual unless there are things that require it to be turned over to some other party, in this case because of the DLP situation. But if you had taken the bear under a hunting license then once you have taken it it is your property.

CHAIRMAN OLSEN: We certainly understand that, Bill, very much. This here is a -- not just a unique case, but a case that happens all too often that the only people that want to be involved is the prosecution. It sure seems to be there each and every time there is DLP or otherwise and I have myself experienced this throughout the summers just visiting the villages. And I kind of have to agree that who's going to take responsibility for this? It certainly seems to me that if there is no responsibility then there should be no prosecution.

MR. CHRISTENSEN: Excuse me, Mr. Chair. I'd also like say, again, too, that, you know, we contacted -- many people in the village have contacted all the different authorities on these problems and there was absolutely no response to any of these complaint time and time and time again. Basically we were told to take care of the problem ourselves. But the only time we had a response is when we did shoot the bears and then they happened to find out about it. And I just think that there's a -- I think that this problem should be looked into.

Now, you're mentioning that the reasons for taking the hide and the skull and everything is for different purposes like for, you know, just recording purposes and just knowing about the bear itself. Why is there no response when the complaints are first made? And then all of a sudden, you know, there's no response but the only response is when it actually happens and then these are within city limits and they're walking down the roads, and like I say, you know, there's children going to school and coming home from school and at times it's dark both

times, you know, and I sometimes am at a loss, like, Al knows there, that there was that one point, you know, we've had nine different bears all around the house there, just -- and I only had one night at home from fishing and I spent all night long going from window to window, you know, and they were like pioneers fighting off Apaches, you know, or something.

CHAIRMAN OLSEN: Ivan.

MR. LUKIN: I guess my question just to you, Bill, is just exactly what do you do with that hide and that skull after you get done with your analyzation or whatever you do with the skull and whatever?

MR. KNAUER: Okay. That goes to the State, not the Federal. And it's my understanding that those hides then are sold, in fact, I believe they're sold at the Fur Rony at the fur auction and those monies go back into the State Treasury, I don't know whether they're earmarked for Department of Fish & Game efforts or whether they have to go into the General Fund, but that's where they go. One of the things that might be appropriate might be a recommendation to change the State regulation to just require skull and claws as opposed to having to skin the entire animal. I don't know, that might be a suggestion, I don't know how the State would receive that, but that might be an option to receive -- to reduce some of the effort that you're talking about after having to put up with all of the threat by the bear or damage by the bear.

CHAIRMAN OLSEN: Is there any other questions, comments on DLP?

MR. CRATTY: So did they want us to make a decision on this or you were just reading it to us or

MR. KNAUER: We're just advising you of what currently the Federal position is and the fact that the Federal Subsistence Board has directed a staff member to meet with the Alaska Department of Fish & Game and/or Fish & Wildlife Protection to try and see if their regulations or reporting requirements can be more user friendly so it results in less

intimidation, better compliance and less prosecution. So that the user out there can take care of the situation and feel less threatened by the reporting requirements.

MR. CRATTY: And the reporting requirements, now, as far as since this being a subsistence Council here, this probably wouldn't be before this Council to make any sort of a proposal as far as reporting on a DLP, would it or would that go through a different agency or different committee?

MR. KNAUER: If this

MR. CRATTY: Like the KAC or

MR. KNAUER: Currently what the Federal Subsistence Board has said is, they don't believe that this is within their jurisdiction, but they understand that the subsistence user feels that there is a problem. And because of that they're directing one of their staff members to see if it can be dealt with to help the subsistence user. The results of those communications will be related to the Regional Councils. If the Regional Councils feel particularly strongly at that time they could make a recommendation. They could also submit a proposal to the Board of Game.

MR. CHRISTENSEN: You're talking about the State?

MR. KNAUER: The State Board of Game, that's correct.

MR. CHRISTENSEN: Right, yeah.

MR. KNAUER: So there are a number of options that would be open to the Councils based upon the results or lack thereof regarding the negotiations over the next

MR. CHRISTENSEN: I feel that you'd probably get better reporting if there was less restrictions on what all you have to do after destroying a nuisance bear, because I felt like I was doubly punished, you know. First of all from what the bear done and then from the State from what I had to pay for destroying it. And I just -- I was really frustrated after the whole

incident.

CHAIRMAN OLSEN: As I hear it I am still confused as to what they expect of the subsistence users. It sounds to me like the State or whoever prosecutes wants to totally get out of all responsibility. I mean, after a DLP you want to turn it over to a subsistence user?

MR. CRATTY: Yeah, how does that -- that's the same question that I got as Mark, how is it a concern of the subsistence user? A bear, a problem bear?

MR. KNAUER: It's the concern of the subsistence user because many of the bears that are taken in defense of life and property are taken by individuals, for example, at fish camps and similar settings where they're trying to put up fish for subsistence use.

MR. CRATTY: Oh, okay.

MR. KNAUER: That's how it's become a concern, and although the practice that it is being undertaken at the time is subsistence it's not occurring on Federal properties. Should there be a Federal program it will probably end up being very similar in that skull and some part of the hide, whether it be the entire hide or the claws would have to be sent in. The Federal Subsistence Board is trying to work with the subsistence users and the Regional Councils where there is a very large concern. Much of the concern is centered in Northwest Alaska.

CHAIRMAN OLSEN: It's still really super vague in my mind as to how we as a Council can contribute anything to it other than our personal experiences with dealing with these issues and from all sides of it, it's not good. We -- especially Randy is certainly is going to -- I don't know what hies going to do the next time this happens. I really feel for him.

MR. TUTIAKOFF: Mr. Chairman. Bill, on the DLP policy, is there an avenue for this Committee or Council to make recommendations to the DLP policy? Maybe that's a question that

we need to ask. Is there an avenue for us to make recommendation on the policy?

MR. KNAUER: This Council as part of its annual report could make a recommendation at anytime, you know, this year, next year, regarding the DLP policy, yes.

MR. TUTIAKOFF: Or a proposal to change?

MR. KNAUER: There will also be an opportunity -- there's also an opportunity because they DLP section and regulations is part of Subpart D to recommend that be changed every year when it comes time to recommend proposals for change for methods and means, harvests or seasons, at that time you could also make a proposal then.

MR. TUTIAKOFF: Okay. I think that maybe clears it up. That an avenue that you have or were we can work on it then.

CHAIRMAN OLSEN: Is there anything else regarding DLP on this? Thank you once again, Bill.

MR. TUTIAKOFF: Recess.

CHAIRMAN OLSEN: Yes, there's been a motion to recess. I would gladly accept that and have this meeting reconvene at 9:00 a.m. tomorrow morning.

(Off record)

(TO BE CONTINUED)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
) ss.
STATE OF ALASKA)

I, Rebecca Nelms, Notary Public in and for the State of Alaska and Reporter for R&R Court Reporters, Inc., do hereby

certify:

THAT the foregoing pages numbered 02 through 112 contain a full, true and correct Transcript of the **Kodiak/Aleutians Regional Subsistence Advisory Council, Volume I**, meeting taken electronically by Salena Hile on the 26th day of February, 1996, at Kodiak, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by Joseph P. Kolasinski and myself to the best of our knowledge and ability;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 5th day of March, 1996.

Notary Public in and for Alaska
My Commission Expires: 10/10/98